

PROPOSED AGENDA
COUNCIL MEETING
January 19, 2016
7:00 PM

CALL TO ORDER - Mayor Sammy Phillips

PLEDGE OF ALLEGIANCE

INVOCATION

ADOPTION OF AGENDA

PRESENTATIONS

- A. Home Holiday Decorating Contest Awards Presentation
- B. Jacksonville Youth Council Officers Oath of Office

PUBLIC COMMENT

ADOPTION OF CONSENT ITEMS AND MINUTES

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CONSENT ITEMS

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- 5. Map Amendment – Rezoning from RSF-7 to OI – 140 Piney Green Road 45
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PUBLIC COMMENT

REPORTS

City Council

Mayor

City Attorney

City Manager



City Council Presentation

Presentation Item: A Date: 1/19/2016

Subject: Home Holiday Decorating Contest Awards Presentation
Department: Community Affairs
Prepared by: Carmella George, Community Programs Coordinator

Presentation Description

The Home Holiday Decorating Contest is an initiative of the Jacksonville Environmental & Appearance Advisory Committee which is intended to encourage City residents to show their community pride and light up the City during this special Holiday season. It is also meant to be a fun family activity.

For **Outstanding Home Decorating for both Halloween & Thanksgiving**, the home of Mr. Roberto Roccisiano and family of 101 Deloss Ct was the overwhelming winner in the opinion of the Committee and the public. The home in the Jacksonville Commons area featured very detailed designs, which led many other residents to stop for photos in front of the home.

For **Outstanding Home Christmas Decorating**, Cindy Edwards, of 210 Linwood Drive and family was the winner chosen by the Selection Committee and the public.

Recognition Committee Chairman, Mr. Patrick Carroll, and Councilwoman Angelia Washington, Council Liaison, will be available to assist with the presentations.

Action

Recognize Council Liaison to the Committee, Councilwoman Angelia Washington and Recognition Committee Chairman Patrick Carroll to assist with the presentations.

Attachments:
None



Presentation Information

Presentation Item:	A
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Environmental & Appearance Advisory Committee 2015 Home Holiday Decorating Contest Awards The 2015 Home Holiday Decorating Awards

In considering the wide scope of work for the new Environmental & Appearance Advisory Committee, the group adopted a work plan that heavily relies on recognition of outstanding efforts as part of the charge to create awareness of the Clean & Green mission of the City.

The Home Holiday Decorating Contest

The awards are an initiative of the Jacksonville Environmental & Appearance Advisory Committee purposed to encourage City residents to show off their community pride and light up the City during this special Holiday season. It is also meant to be a fun family activity. This contest encompasses the three fall/winter holidays: Halloween (Oct.1-31), Thanksgiving (Nov.1-30) and Christmas (Dec 1-31) with an award being given for the most festive and creative homes for each period.

For **Outstanding Home Decorating for both Halloween & Thanksgiving**, the home of Mr. Roberto Roccisiano and family of 101 Deloss Ct was the overwhelming winner by the Committee and the public. The home in the Jacksonville Commons area featured a very detailed design which led many other residents to stop for photos in front of the home.

For **Outstanding Home Christmas Decorating**, Cindy Edwards, of 210 Linwood Drive and family was the winner chosen by the Selection Committee and the public.

Home Holiday Decorating Contest Award Clean & Green Star Awards

Mayor Phillips

Regularly, the Jacksonville Environmental & Appearance Advisory Committee recognizes behaviors and activities that advance the City's Clean & Green goals.

Each recognition will focus on areas that are identified by the Environmental & Appearance Advisory Committee as work tasks for awareness and capacity building.

I want to invite **Council Member Angelia Washington** and the **Chairman of the Recognition Subcommittee, Patrick Carroll** to join me in front of the Dias to for the presentation of the 2015 Home Holiday Decorating Contest Awards.

Mayor

The Home Holiday Decorating Contest is an initiative of the Jacksonville Environmental & Appearance Advisory Committee to encourage City residents to show off their community pride and light up the City during this special Holiday season. It is also meant to be a fun family activity.

This evening, we see two perfect examples of families, having fun.

During October, November & December, the Committee asked the public to submit nominations for their own or someone else's decorating for Halloween, Thanksgiving and Christmas.

While we did not get nominations for Thanksgiving, we got some for Halloween and Christmas.

On the screen are two of the nominees for Halloween, and we commend these efforts.

I now want to call forward **Robert Roccisano** (Rock-a-san-o) **and his family**. Their family consists of **Robert, his wife, Nicole and children – Rocco, Giuliana, Amelia, Ashlyn, and Alyssa**.

And here on the screen are some shots of their home which was selected as the winner for the October Home Decorating Contest.

Their winning presentation featured a scary home worthy of special recognition.

This is an encore performance for this family. They won the inaugural presentation of this award last year, and we hope they will keep pushing the envelope to offer a great challenge next year.

After viewing the screen, ask **Patrick to present the award**, and for **Councilmember Washington** to read the award.

The family may return to their seat after the presentation

And now the nominees for the **Christmas Decorating Contest** are on the screen.

I want to remind anyone that they can nominate a home during October to December for this award, and we want more entries and more attention to this effort to decorate our homes for the holidays.

And now I want to call forward **Jessica Edwards and her family** to come forward.

Now, on the screen are some shots of their home which was selected as the winner for the Christmas Home Decorating Contest. It featured a whimsical Christmas that was inspired by the vision of Jessica Edwards who enlisted her family to undertake this vision for Christmas.

After viewing the screen, ask **Patrick to present the award**, and for **Councilmember Washington to read** the award.

The family may return to their seat after the Presentation & Pictures

(Pictures are taken but Mayor and Councilmember Washington stay)

Mayor

Patrick, we want you to stay up here for a special award. I also want to invite any members of the Environmental & Appearance Advisory Committee who want to come forward to do so now.

Mayor

This is a nomination that came from within the E-&-A committee. They wanted to recognize the special very personal efforts that Patrick Carroll makes to keep Jacksonville Clean & Green.

Many afternoons after his work, and some mornings when he's not working, Patrick Carroll spends his time at the Lejeune Memorial Gardens and along the trail from the Pedestrian Bridge to the entrance to the base.

He regularly picks up litter along these areas as part of the adoption of this area by the Committee. He is the most faithful member for cleanups of the area. I am reminded of a story told by Dr. Woodruff that Patrick came to the City Manager's Office with a complaint one day after inspecting the trail for trash; he wanted to complain that the trail was too clean, that he was unable to find trash to pick up because of the excellent job done by City Parks Division members.

Patrick had previously lobbied to get trash cans at the train crossing bridge to encourage people to throw away their litter rather than dropping it, or as he reported, stuffing it in the fence.

His personal work also extends to the stewardship he has demonstrated to the Beirut Memorial. Having served in Beirut with the storied 1/8, Patrick's mission is personal to care for the memorial. He can be found cleaning up the area and even using his blower, trimmers and other tools he brings to improve the appearance of the area.

While there, he's an unofficial but informed guide, answering questions about the memorial, telling the story of how this community built this memorial, and about the annual observance.

His mission is personal but the work benefits us all.

Patrick, on behalf of the City Council, the Environmental & Appearance Advisory Committee and our community, I am asking that Councilmember Washington present you with this award for outstanding personal actions.

Councilmember Washington: Reads the wording on the award before presenting it.

Closer

I want to remind you **any Citizen can make a nomination**. If you see something that is worthy of a Clean & Green nomination, particularly for a residential or business appearance, please **go online, call us** at City Hall **or get a nomination** in to the Committee.



City Council Presentation

Presentation Item: B Date: 1/19/2016

Subject: Jacksonville Youth Council Officers Oath of Office
Department: Community Programs
Prepared by: Carmella George

Presentation Description

The Jacksonville Youth Council serves to give youth in Jacksonville a voice. The Council stands ready to advise the City Council, govern itself, perform public service and operate a Civic Youth Center for the City.

The City would like to administer the oath of office for the Officers who will guide the Youth Council for the remainder of this school year.

The Officers are listed in the following Presentation Information.

Parents of the Youth Council officers have been invited to attend and stand with them when they take their Oath of Office.

Action

Administer the Oath of Office to Incoming Officers.

Attachments:

None



Presentation Information

Presentation Item: B

Oath Taking for the Youth Council Officers

These Terms are transitional

The election of the 2016 Officers to the Jacksonville Youth Council was held on Thursday, December 3, 2015 for persons to serve one year terms.

Christian Kelly, Lauren Phillips, Adejuwon Ojebuoboh, Christina Freeman, Chase Tucker, Faith San Juan, Tia Canada and Tati'yana Manguel, were elected to the Executive Committee.

The Incoming Officers are:

Officer	Office	High School	Parents' Names
Christian Kelly	Chairman	White Oak	Niam & Xenia Kelly
Lauren Phillips	Vice Chairman	Jacksonville	James & Jill Phillips
Adejuwon Ojebuoboh	Secretary	Jacksonville	Ibikunle & Omolara Ojebuoboh
Christina Freeman	Recorder	Jacksonville	Scott & Patricia Rixmann
Tia Canada	White Oak HS Seat	White Oak	Herman & Nicole Canada
Tati'yana Manguel	Jacksonville HS Seat	Jacksonville	Serena Abril
Faith San Juan	Northside HS Seat	Northside	Luis & Jovey Rose Rivera
Chase Tucker	At Large Seat	Jacksonville	Sheryl Tucker

The oath of office is as follows:

I, state your name, do solemnly swear that I will support and maintain the constitution and laws of the United States, and the constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as *state your office* of the Jacksonville Youth Council, and maintain and uphold all the laws and regulations of the City of Jacksonville, so help me God.

COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

January 5, 2016

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday, January 5, 2016 beginning at 5:00 PM in Meeting Rooms A and B of Jacksonville City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Randy Thomas, Bob Warden, Angelia Washington, and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager; Glenn Hargett, Assistant Manager for Communications and Community Affairs; Mike Yaniero, Director of Public Safety; Kimberly Williams, Human Resources Director; Wally Hansen, Public Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *A video recording of the Council Meeting is presently available for review on the City's website.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:00 PM.

ADOPTION OF AGENDA

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously approved to adopt the agenda as presented.

ADOPTION OF MINUTES

A motion was made by Councilman Bittner, seconded by Councilwoman Washington, and unanimously approved to adopt the minutes of the December 1, 2015 Swearing In Ceremony; December 1, 2015 Joint City Council and Advisory Committee Meeting; December 8, 2015 Special Workshop Meeting as presented, and the December 8, 2015 Regular Meeting, as amended.

WORKSHOP TOPICS

CITY OF JACKSONVILLE DIVERSITY REPORT

As shown in the PowerPoint Presentation herein attached as Exhibit A, Mr. Richard Woodruff, City Manager, provided a detailed review of the August 2015 City of Jacksonville Diversity Report. The presentation included a review of City Policy and the Equal Employment Opportunity Statement, current Employment Process, and statistical information (FY13-FY15)

representing the current diversity of the workforce. Mr. Woodruff pointed out that the City was challenged by the applicant pool for our area in regards to the diversity of applicants. He also said that all positions were advertised widely, both internally and externally, locally and through trade magazines, as well as G10 television and more.

In regards to the statistical data as shown in Exhibit A, Mr. Woodruff said there was not a lot of turnover within the Director category, as many of those employees had been in place for many years. In looking at the Deputy and Division Directors, there were 22 people in that category and again, there had not been a lot of turnover. However, this category was one where they were working toward training the next group of leaders for promotion from within to provide for more diverse candidates for leadership in the future. In the Supervisory category, he felt the City had made great strides promoting females. This was especially evident in Public Safety, where the workforce included females, African Americans, and a Native American and where Sergeants and Lieutenants were promoted from within.

As a former Deputy Police Chief, Mayor Phillips said that he could only remember one time when there was a person hired from outside and that was because there were no candidates in the existing department with the proper credentials. He also recalled that in 1987 there were accreditation standards put in place that provided mechanisms for the hiring and recruitment of a diverse Police force.

Councilman Bittner asked for the number of Firefighters hired from the volunteer agencies. Mr. Woodruff responded he did not have exact figures, but would get them for Council. However, he did know that most of their Firefighter trainees were hired from volunteer positions. He pointed out he had recently become aware that firefighter volunteers only had to be 16 years old to volunteer with one of the Volunteer Departments around the County, but had to be 20 years old to volunteer with the City. He said the City was currently looking at reducing their volunteer age.

Mr. Woodruff said an issue they faced was that diverse applicants with the necessary credentials were able to compete for jobs “anywhere.” He went on to describe a hiring situation a few years ago in which a highly qualified African American female applicant had been asked to interview for the Recreation Director position. She had contacted the City to cancel the interview and stated that she had been offered a substantial increase in pay to stay with her

current employer. Another obstacle to increased diversity was that the federal government did not allow race as a question on the application so there was no way to know the ethnicity of applicants.

Councilwoman Washington asked how the City could encourage racial diversification especially in regards to white-collar workers

Mr. Woodruff said there was the obligation to train a diverse group of internal candidates so that there was fairness in the opportunity to promote. He said in the mid level supervisory category, they were working with and training a group of employees for future promotion from within.

Mayor Pro-Tem Lazzara stated that he recalled several years ago that Council members challenged management to promote from within for these same reasons.

Councilwoman Washington asked what other actions they could take to assist in diversifying the City workforce.

Mr. Woodruff said he would do everything in his power to have the best-qualified workforce and to make sure there was a fair hiring process so that where there was equal ability there would be diverse hiring. Mr. Woodruff said there were three possible ways to achieve this: Prepare internal candidates for advancement as they were the people already pledged to working here; At the top level positions, do everything you can to have a good and fair recruitment effort; and for Council to continue to create a positive community, because a safe community with quality Parks and community pride caused people to want to live here and also attracted qualified people to the community.

Councilman Willingham stated he did not feel there was intentional discrimination, however, equally as concerning was the adverse impact. Meaning, what was being done that might be facially neutral, that was not designed to discriminate but that might have the same impact of discrimination. He also said there was equal liability for adverse impact situations as there was for disparate treatment, which would be intentional discrimination. He said quotas and identifying race on applications in order to produce a certain result was not what was being suggested. He said equal opportunity was about looking at triggers, such as in the statistics provided. He explained that if you were analyzing for diversity and the result showed a lack of diversity, that was a trigger. In this regard further analysis was called a barrier analysis, which

would look to see if there were discriminatory reasons for the statistics. For example, if American Indians were not applying for Supervisory positions, there would still be a trigger, but the barrier analysis would produce the result that there was no discrimination. He went on to say that recruitment practices might offer a solution so they needed to look at their recruitment process. In terms of promotion from within, he said if the workforce was already the present effect of past discrimination, there would not be diverse numbers within the workforce and the same situation would be sustained. Specifically within the Police Department pipeline, he would like to know the statistics for the entry-level positions.

Mr. Woodruff said staff would get those numbers for him. He added he and the Police Chief and other leaders at the Fire Department had recently met to discuss this issue because those departments were not seeing applicants other than white males and occasionally white females. In contrast, they were seeing diverse applicants in other areas of the City, such as Recreation. He added that he was open to suggestions as to how they could encourage more diversity in all departments and he would look at areas where they were not seeing diverse applicants and would do what he could to identify it and encourage more diversity.

Councilman Thomas asked the Mayor what he was seeing in his program at the College. The Mayor responded that it was a good mix, but there were minimum standards set by the State of NC in order to qualify as a law enforcement officer. He said numerous students were using the course for graduation requirements but did not desire a position as a police officer. The Mayor added that when he worked at the Police Department, staff reached out to predominantly African-American schools in order to create a diverse pool of applicants for the Police department.

Councilwoman Washington pointed out that on the Daily News website, she had noticed that the Finance Director salary was a little over \$114,000 per year and she had been in the position four years; the IT Director salary was a little over \$113,000 and he had been in the position for 3 years, yet the Development Services Director salary was only \$105,000 and he had been in position longer. She asked how it was possible to have the same type of job description, background and experience, and be with the City longer, without comparable pay.

Mr. Woodruff stated it was based on the credentials required to hold the position. The Finance Director was a Certified Public Accountant and had she not been a CPA, she would not

have been paid at that level. The IT Director also held required credentials. Mr. Woodruff said that all director positions were not equal in terms of responsibilities or pay. He said Chief Yaniero was the highest paid of all department heads due to his vast amount of responsibility.

Mr. Woodruff said staff would continue, especially in the police and fire departments, to try to identify why they were not receiving diverse applicants and he would report back to Council on the efforts being made to try and get more people in the applicant pipeline. He would also provide Council with a report on the internal training being done to try to prepare mid-level supervisors so as retirements occurred, there would be an opportunity to promote from within. Again, every time there was a vacancy, they would continue to look at how they advertised that position for a more diverse pool of candidates.

Councilman Bittner said at one time there was a tuition reimbursement program and in house training programs for employees who wanted to advance themselves. He asked if that program was still available. Mr. Woodruff said yes.

Councilwoman Washington asked if there was any money in the budget to conduct a barrier analysis study to provide an objective view and help identify roadblocks, obstacles and barriers that could be overcome.

Mr. Woodruff said there was no money specifically in the budget for that, but there was a \$200,000 contingency fund that Council could use in any way they wanted. If the Council wanted staff to research the cost of such a study, they could do so.

Councilman Bittner said the expense of that would be questionable. He felt the people doing the hiring were objective and thought their current HR Director was qualified to do an in depth analysis of barriers. He asked if there had been working relationships established with Guidance Counselors at high schools and suggested bringing high school students to the Police and Fire departments to encourage and cultivate their interest.

Mr. Woodruff said that Chief Hardison with the Fire Department had also recently made a recommendation of more outreach with the schools through Guidance Counselors.

Mr. Woodruff said as the Manager he considered all of the discussion as positive and looked at it as suggestions on how they could improve together.

MENTAL HEALTH DISCUSSION

Referring to Exhibit A, Chief Mike Yaniero, Public Safety Director, provided an overview of the impact on a daily basis on local law enforcement due to the lack of assistance for the mentally ill. He said in the United States today there were approximately four million people with some type of mental illness. Fifty percent were not being treated for their illness, ten percent were problematic and one percent was dangerous. He said there were no longer resources or facilities available to provide services; therefore, with no other options, the mentally ill ended up on the streets and in the prison system.

Chief Yaniero said approximately 260 times per year the Police Department responded to calls for mentally challenged individuals. The cost to Jacksonville residents to respond to calls for emotionally disturbed individuals and attempted suicide was 17,000 man hours. This was equivalent to eight full time police officers per year. Of the \$23 million dollar Police budget, this equated to \$1 million spent on mentally challenged individuals in our community.

Chief Yaniero said the Police Department was in the process of training all of their officers in CIT (Crisis Intervention Training). They were partnering with Onslow Memorial Hospital and Coastal Carolina Community College to have the course available for every police officer. However, the police department was being used too often as a safety net for these individuals. He said police officers were not mental health workers and could not provide mental health services. Chief Yaniero reported they had met numerous times with Trillium, the parent company of RHA, who provided mental health services in our community. There had been much discussion about RHA's mobile crisis team and the lack of services they provided for our community. Chief Yaniero wanted Council to understand this was a serious problem and when trying to reduce violence in the City, this was one way it could be significantly reduced.

The Chief expressed his desire for the City and County to work together and look at how they could create a better situation for mentally challenged individuals in the future.

Mayor Phillips asked if the general protocol for an involuntary commitment was to take people to the ER or were they taken before a magistrate first. Chief Yaniero said they could get an IVC (Involuntary Commitment) and then take them to RHA (the contractor provided by the State for community mental health).

A brief discussion ensued regarding the Health Care Provider parent company Trillium and the number of agencies in the past few years the State had contracted for these services

Mr. Woodruff said if a person in Onslow County had mental difficulties it ended up as a City matter. For example a mentally challenged individual detained by the Swansboro Police Department is brought to RHA and then the Swansboro officer went back home. They literally dropped them off and the Jacksonville police officer had to be there and in some cases for numerous hours to wait for a representative from RHA. When a crisis counselor was needed from RHA, it was taking hours for them to arrive and during that waiting period, the City's police officers were spending their time with the mentally ill individual.

Mr. Woodruff also said there was no overnight care in Onslow County. There had been meetings with Dr. Piper and Onslow Memorial Hospital staff along with Senator Harry Brown to let them know this was not working in Onslow County and Jacksonville.

Mayor Pro-Tem Lazzara said this discussion had been held at the NC League of Municipalities and it was causing a tremendous impact across NC. He said the State had reduced the budget and the funding for mentally ill people and at this point people with these issues were being jailed and the funding shifted to the correctional system. He was not sure of the State's intention on that change but it seemed there were now people in jail, that jail was not equipped to help and he agreed that it was a serious problem.

Mr. Woodruff stated they were not looking for the City Council to fund the solution, however, they were looking for several things: To inform the Mayor and Council on how critical the situation was getting, and how much law enforcement time was taken up by these occurrences. He also wanted them to be aware that they needed to start speaking out as a society that governments higher than our local City had to realize the system they put in place was not working.

Councilman Thomas asked if there was a system we could possibly model. Chief Yaniero said he had been looking at some in Greenville and Wilmington and wanted to look at their programs more closely along with a Partnership that had been developed in Fayetteville. Their community hospital had a partnership where they were providing these types of services for the mentally challenged.

Chief Yaniero went on to say there were times when they had called the crisis center and had to wait for an hour to two hours to get help for a mentally unstable person and that was just too long with someone in that condition. He said he had let Trillium know something needed to be done and improvements in services were needed. He also said he had talked with Senator Brown and the Senator was going to speak with someone in Health and Human Services.

Mayor Pro Tem Lazzara asked if there was anything the Council could do to promote this matter. Chief Yaniero said Commissioner Bright was on the Auxiliary Board and he might be able to offer some assistance. Mr. Woodruff said the Council might want to contact the League of Municipalities to set up a task force along with the Chief of Police's Association to look at this matter and also bring it to the attention of the Legislature. He said it was time for the community to come together with the County Commissioners and the Hospital Board to see where we could go with this situation. Prior meetings with Trillium had been unsatisfactory in resolving any issues brought to their attention.

Mayor Phillips asked to have this matter expedited to set up a joint meeting between the Council and the County Commissioners.

75TH ANNIVERSARY OF THE 2D MARINE DIVISION/MILITARY PARADE

As shown in Exhibit A, Mr. Glenn Hargett presented a brief overview of the upcoming celebration for the 2^D Marine Division. A parade was scheduled for February 6, 2016 at 10:00 AM. He reported that the Division was formed February 1, 1941 and in recognition of their 75th Anniversary the City of Jacksonville along with Marine Corps Base Camp Lejeune would be planning the parade. It would begin with 5,000 Troops mustering at Camp Johnson and moving on to Montford Point Road, continuing to City Hall, and concluding at Riverwalk Park. This was equivalent to approximately 1.6 miles and would last about one and one half hours. Mr. Hargett also said there would be performances by the National USO Troupe and numerous High School Bands. He was also working with area partners such as the Onslow County Schools, NC Restaurant Association, Civic Affairs Committee, Jacksonville Youth Council and many others in order to make the event a success.

ADJOURNMENT

A motion was made by Councilman Thomas, seconded by Councilwoman Washington, and unanimously adopted to adjourn the meeting at 7:29 PM.



Request for City Council Action

**Consent
Agenda
Item:** **1**
Date: 1/19/2016

Subject: City Code Amendment – Chapter 2, Article V - Advisory Boards and Committees

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

On April 3, 2012, Council adopted a revised ordinance establishing City Advisory Boards and Committees. At that time, all qualified serving members were given an opportunity to serve on their choice of Boards and Committees, which increased the size of the membership above the desired number for some of the Committees. As vacancies have occurred, Council has reduced the total membership of most of the Committees.

Due to recent vacancies over the past year the Water and Sewer Advisory Committee currently has nine members. Staff is proposing to reduce the total authorized membership from eleven (11) members to the current nine (9) members.

Financial Impact

N/A

Action Needed

Consider the ordinance revising the total membership for the Water and Sewer Advisory Committee to nine members.

Recommendation

Staff recommends Council adopt the Code Amendment as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Proposed Ordinance Amendment



Staff Report

Consent
Agenda
Item:

1

City Code Amendment – Chapter 2, Article V - Advisory Boards and Committees

Introduction

Due to recent vacancies over the past year on the Water and Sewer Advisory Committee, staff is proposing to reduce the total authorized membership from eleven (11) members to the current nine (9) members.

Financial Analysis:

None

Stakeholders

- Citizens of Jacksonville
- Advisory Board Members and Applicants
- Council and Staff Liaisons
- City Council

Options

Approve the City Code Amendment reducing the membership of the Water and Sewer Advisory Committee. **RECOMMENDED.**

Pros:

- Reduces total membership to a more productive and efficient level;

Cons:

- Fewer seats available for citizen appointment;

Deny the City Code Amendment.

Pros:

- Additional seats will remain available for citizen appointment

Cons:

- Larger committee may not be as productive or efficient.

Defer the request and provide direction to staff on the specific information Council would like to receive.

ORDINANCE (2016-)

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF JACKSONVILLE
CHAPTER 2 – ARTICLE V – ADVISORY BOARDS AND COMMITTEES

BE IT ORDAINED by the City Council of the City of Jacksonville that Chapter 2, Article V – Boards and Committees is hereby amended as follows:

Remove language shown with a strikeout and add new language shown in bolded underline.

DIVISION 8. – WATER AND SEWER ADVISORY COMMITTEE

Sec. 2-232. - Composition.

The water and sewer advisory committee shall be composed of ~~eleven (11)~~ **nine (9)** voting members of recognized experience and qualifications and at city council option, one (1) member may reside within the extraterritorial jurisdiction, (ETJ.) The ONWASA water and sewer advisory committee may appoint a liaison to the city's water and sewer advisory committee and vice versa.

Adopted by the Jacksonville City Council in regular session this 19th day of January 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

A



Request for City Council Action

**Consent
Agenda
Item:** **2**
Date: 1/19/2016

Subject: Tax Releases, Refunds, and Write-Offs November 2015
Department: Finance
Presented by: Gayle Maides, Finance Director
Presentation: No

Issue Statement

The County/City Tax Collector and the City's Finance Director recommend releases, refunds, and write-offs of property taxes as attached. The detailed list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) is available in the Finance Office for review.

Financial Impact

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$5,519.03, \$2,028.50 and \$1.31 (\$7,548.84).

Action Needed

Review the tax releases, refunds and write-offs and consider approving.

Recommendation

Staff recommends Council approve the tax releases, refunds and write-offs.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Tax Releases, Refunds, and Write-offs



Staff Report

Consent
Agenda
Item:

2

Tax Releases, Refunds, and Write-Offs November 2015

Introduction

The Tax Releases, Refunds and Write-Offs as recommended by the City/County Tax Collector total, respectively, \$5,519.03, \$2,028.50 and \$1.31 (\$7,548.84).

Most of the Releases and Refunds are due to:

- 1) Clerical and/or addition errors on the Onslow County Abstracts,
- 2) Double charges for the same property,
- 3) Property erroneously listed as in this City,
- 4) Senior citizens exemptions,
- 5) Military non-resident.

Write-offs are due to:

- 1) A bill that is \$3.00 or less
- 2) An over or underpayment of \$1.00 or less.

Other releases and refunds just have notations indicating that interest only is being released and there will be no corresponding reference explanation. The County's computer system automatically accrues interest on the first day of the month. There will be times when the County received payment on the day before or even on the same day that the account has accrued the interest. The County will adjust their accounts to remove the interest that was automatically charged in lieu of having accounts with balances usually less than \$1.00.

The listing of proposed releases, refunds and write-offs as submitted by the Tax Collector, are in conformity with the law. Based upon this information as provided, which is believed to be true and accurate, I recommend your approval of these tax releases, refunds, and write-offs.

DECEMBER 11, 2015

SUBJECT: Tax Releases and Refunds

[illegible]

BB/sm

Gayle Maides
FINANCE DIRECTOR

A

TAX REFUND SUMMARY
AD VALOREM TAXES

NOVEMBER 2015

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2015	101-0000-311-0000	0.006420				-	-
2014	101-5000-412-2000	0.005380				-	-
2013	101-5000-412-2000	0.005380	51.86			51.86	9,639.41
2012	101-5000-412-2000	0.005380				-	-
2011	101-5000-412-2000	0.005380				-	-
2010	101-5000-412-2000	0.006260				-	-
2009	101-5000-412-2000	0.006260				-	-
2008	101-5000-412-2000	0.006260	-	-	-	-	-
2007	101-5000-412-2000	0.005316	-	-	-	-	-
2006	101-5000-412-2000	0.005900	-	-	-	-	-
2005	101-5000-412-2000	0.005900	-	-	-	-	-

TOTAL	51.86	-	-	51.86	9,639.41
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101-5000-412-2000	05-14	51.86
101-0000-311-0000	2015	-
		<u>51.86</u>

Total Releases 2,028.50

TAX REFUND SUMMARY
TAX TAG TOGETHER

NOVEMBER 2015

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2015	101-0000-311-0100	0.006420	651.02		13.71	664.73	101,404.98
2014	101-5000-412-2000	0.005380	1,031.17		7.72	1,038.89	191,667.29
2013	101-5000-412-2000	0.005380	272.70		0.32	273.02	50,687.73
2012	101-5000-412-2000	0.005380	-	-		-	-
2011	101-5000-412-2000	0.005380	-	-		-	-
2010	101-5000-412-2000	0.006260	-	-	-	-	-
2009	101-5000-412-2000	0.006260	-	-	-	-	-
2008	101-5000-412-2000	0.006260	-	-	-	-	-
2007	101-5000-412-2000	0.005316	-	-	-	-	-
2006	101-5000-412-2000	0.005900	-	-	-	-	-
2005	101-5000-412-2000	0.005900	-	-	-	-	-

TOTAL	1,954.89	-	21.75	1,976.64	343,760.00
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101-5000-412-2000	05-14	1,311.91
101-0000-311-0100	2015	664.73
		<u>1,976.64</u>

TAX RELEASE SUMMARY

NOVEMBER 2015

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2015	101-0000-111-0000	0.006420	520.16	30.64	550.80	81,021.81
2014	101-0000-111-1000	0.005380	403.08	16.42	419.50	74,921.93
2013	101-0000-111-1000	0.005380	399.32	2.11	401.43	74,223.05
2012	101-0000-111-1000	0.005380	2,005.88	2.96	2,008.84	372,840.15
2011	101-0000-111-1000	0.006260	645.99	2.74	648.73	103,193.29
2010	101-0000-111-1000	0.006260	855.84	11.37	867.21	136,715.65
2009	101-0000-111-1000	0.006260	453.28	13.23	466.51	72,408.95
2008	101-0000-111-1000	0.005316	115.25	7.59	122.84	21,679.83
2007	101-0000-111-1000	0.005900	14.98	0.77	15.75	2,538.98
2006	101-0000-111-1000	0.005900	7.09	0.71	7.80	1,201.69
2005	101-0000-111-1000	0.005900	8.74	0.88	9.62	1,481.36
TOTAL			5,429.61	89.42	5,519.03	861,204.89
101-0000-111-1000				05-14	4,968.23	
101-0000-111-0000				2015	550.80	

TAX WRITE-OFF SUMMARY

NOVEMBER 2015

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2015	101-0000-111-0000	0.006420	1.05	0.06	1.11	163.55
2014	101-0000-111-1000	0.005380	0.20		0.20	37.17
2013	101-0000-111-1000	0.005380			-	-
2012	101-0000-111-1000	0.005380			-	-
2011	101-0000-111-1000	0.006260			-	-
2010	101-0000-111-1000	0.006260			-	-
2009	101-0000-111-1000	0.006260			-	-
2008	101-0000-111-1000	0.005316	-	-	-	-
2007	101-0000-111-1000	0.005900	-	-	-	-
2006	101-0000-111-1000	0.005900	-	-	-	-
2005	101-0000-111-1000	0.005900	-	-	-	-

TOTAL	1.25	0.06	1.31	37.17
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101-0000-111-1000	2005-2014	0.20
101-0000-111-0000	2015	1.11
		1.31



Request for City Council Action

**Consent
Agenda
Item:** **3**
Date: 1/19/2016

Subject: FY 2016 Governor's Crime Commission Grant Application – In-Car Camera Systems

Department: Public Safety – Police Services

Presented by: Mike Yaniero, Director of Public Safety

Presentation: No

Issue Statement

The Public Safety Department is requesting authorization to submit a pre-application for the FY 2016 Governor's Crime Commission (GCC) Grant Program. The Public Safety Department has prepared a proposal to apply for the grant funding to replace six in-car camera systems with upgraded technology and expenses for storage, software, licenses and training for the camera systems.

Financial Impact

The City is eligible to receive up to \$200,000 in funding. There is no required local match.

Action Needed

Authorization for the Public Safety Department to submit the pre-application and proceed with the grant process.

Recommendation

Staff recommends Council authorize the City Manager or his representative to submit a pre-application for the FY2016 GCC Grant on behalf of the City of Jacksonville. If selected for a funding award, staff would return to Council for formal grant acceptance and budget amendment.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None



Staff Report

Consent
Agenda
Item:

3

FY 2016 Governor's Crime Commission Grant- Pre-Application

Introduction

In early November of 2015, The NC Governor's Crime Commission released an announcement seeking applications for the Criminal Justice Improvement Committee 2016 Grant Funding Priorities. The mission of this program is to encourage proactive and innovative programming and methodologies that improve the criminal justice system.

Law enforcement agencies across the country and worldwide are using in-car camera systems with state of the art digital video technology as a promising tool to improve law enforcement interactions with the public. These in-car camera systems can provide a visual and audio recording of interactions. Some preliminary evidence indicates that the presence of in-car camera systems helps to strengthen accountability and transparency and can assist in deescalating conflicts, resulting in more constructive encounters between the police and members of the community.

The Department of Public Safety has utilized in-car camera systems in patrol vehicles for some time. The implementation of a modern in-car camera system would improve our existing in-car camera program. We have found this to be a valuable tool in a law enforcement comprehensive problem solving approach to enhance officer interactions with the public and build community trust.

The implementation of the grant funded program would include the purchase of in-car camera equipment for six vehicles, as well as storage, software, licenses and training. The grant funding would be used specifically to strengthen our current in-car camera program. The new equipment would replace the outdated technology of the i-cop in car camera system in six vehicles.

The storage of data (video and audio) collected by the in-car cameras are a major component of the program. Unlike digital photos, digital video requires significantly more storage space. The International Association of Chiefs of Police (IACP) estimates that one 30-minute MP=4 video may take 800 MB of storage. Storage needs escalate by the number of in-car cameras in operation. Storage requires physical equipment, systems, utilities and personnel that most law enforcement agencies do not have and cannot afford to add to their existing infrastructure. Because of the need to store the video data generated, law enforcement agencies are integrating cloud storage solutions to keep the data safe and secure. There are a variety of considerations regarding storage of the video data, particularly the cost of that storage, amount of storage needed, download costs and long-term needs.

The program would improve interactions with the public, result in fewer complaints and increase service delivery. The Department of Public Safety has been in the process of testing and evaluating a variety of models of in-car camera systems.

Procedural History

- November, 2015 – Governor’s Crime Commission announced potential grant opportunity
- September, 2015 – Staff attends GCC Grant Workshop
- January 19, 2016 – Staff seeks City Council authorization for grant submittal
- January 31, 2016 – Grant is submitted
- Spring, 2016 – Governor’s Crime Commission announces grant awards
- July 1, 2016- Grant period begins

Stakeholders

- Citizens of Jacksonville and Onslow County
- Department of Public Safety

Options

Authorize Public Safety Department to submit the application for the FY 2016- Governor’s Crime Commission Grant – to purchase six in-car camera systems, equipment, software, training and storage. **(Recommended)**

Pros: Improved interactions with the public, resulting in fewer complaints and increased service delivery.

Cons: None

Deny the request for the Public Safety Department to submit the application for the grant.

Pros: None

Cons: Lose the opportunity to implement the improvements provided by this grant funding.



Request for City Council Action

Agenda Item:	4
Date:	1/19/2016

Subject: Public Hearing (*Quasi-Judicial*) Special Use Permit and Type III Site Plan – Freedom Worship Center – 1250 Old Maplehurst Road

Department: Development Services

Presented by: Jeremy B. Smith, Senior Planner

Public Hearing: Yes

Issue Statement

Freedom Worship Center of Jacksonville has submitted a Special Use Permit and Type III Site Plan application seeking approval of a proposed 6615 square feet religious institution. The project is proposed on 4.55 acres of land at 1250 Old Maplehurst Road. The property has split zoning of Residential Single Family - 20 (RSF-20) and Residential Single Family – 7 (RSF-7), and within these zones religious institutions (church) require a Special Use Permit.

The proposed development is within the Extraterritorial Jurisdiction and will not impact the City's Sewer Allocation Policy.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consider the Special Use Permit and Site Plan

Recommendation

Planning Advisory Board and City Staff recommend approval of the Special Use Permit and Site Plans with Findings of Fact A thru G being found in the affirmative, with the following condition: Submission and approval of a recombination plat prior to the building permit being applied for.

Approved: ☒ City Manager ☐ City Attorney

Exhibits:

- A Special Use Permit Worksheet
- B Additional Documentation
- C Zoning and Land Use Map
- D Site Plan



Staff Report

Agenda Item:	4
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Public Hearing (*Quasi-Judicial*) Special Use Permit and Type III Site Plan – Freedom
Worship Center – 1250 Old Maplehurst Road

Introduction

Freedom Worship Center of Jacksonville has submitted a Special Use Permit and Type III Site Plan application seeking approval of a proposed 6615 square feet religious institution. The project is proposed on 4.55 acres of land at 1250 Old Maplehurst Road. The property has split zoning of Residential Single Family - 20 (RSF-20) and Residential Single Family – 7 (RSF-7), and within these zones religious institutions (church) require a Special Use Permit.

The proposed development is within the Extraterritorial Jurisdiction and will not impact the City's Sewer Allocation Policy.

Procedural History

- On November 11, 2015 US Cellular submitted this application.
- On January 11, 2016 the Planning Advisory Board recommended approval.
- On January 19, 2016 the City Council will conduct a public hearing and consider this request.

Stakeholders

- Freedom Worship Center of Jacksonville – Developer
- Rabbit Realty – Property Owner
- John L. Pierce and Associates – Design Professional
- Adjacent Property Owners – As required by the Unified Development Ordinance, public hearing notifications were sent to all adjacent property owners within 100 feet of the property prior to the public hearing that will be held by City Council. In addition, signs were posted on site and legal advertisements will be printed in the Jacksonville Daily News prior to the public hearing.

Land Use Assessment

The subject parcel is designated as High Density Residential (HDR) by the CAMA future land use map. Properties to the north, and across Old Maplehurst Road, are designated Low Density Residential; property to the east is identified as Institutional (I); and property to the south are identified as HDR. Religious Institutions service residential communities in high and low dense areas. The CAMA states that the proposed land use would be in conformity with the future designation. The proposed use is consistent with the HDR CAMA designation.

Zoning Assessment

The proposed development site is located within the Extraterritorial Jurisdiction and is zoned RSF-20 and RSF-7. The site is bordered to the north by properties zoned RSF-7 and used for single-family homes; to the south property zoned RSF-20 and used for single-family dwellings; to the east property zoned RSF-7, and used by Southwest Middle School; and to the west across Old Maplehurst Road by property in Onslow County planning and zoning jurisdiction.

Parking Assessment

Per Article 5: Development Standards, Section 5.1: Off-Street Parking, Loading, and Circulation of the Unified Development Ordinance (UDO), religious institutions require 1 parking space per 4 seats in the sanctuary, and 1 space per 200 square feet of all other building area. The site plan identifies 75 parking spaces, and based on the proposed building it is 225 seats in the sanctuary requiring 57 spaces, and other building area totaling 3500 square feet which requires 18 spaces for a total of 75 parking spaces required.

Landscaping/Buffer Assessment

The proposed site plan complies with Article 5: Development Standards, Section 5.2: Landscaping Standards of the UDO. Due to the zoning of the subject site and those adjacent to the site, a type "A" buffer is not required.

Lighting Assessment

The proposed site plan complies with Article 5: Development Standards, Section 5.5 Exterior Lighting of the UDO. The site is zoned residential and is a more intense use than adjacent properties, therefore light poles will be limited to 16 feet in height, and any sight lighting can not exceed 0.5 foot candles at the property line. As with all new development this site will have to maintain a "dark sky" standard.

Conditions of Approval

In approving Special Use Permits, the City Council may impose appropriate condition(s) on the approval in accordance with Article 2: Administration, Section 2.2.0, Conditions of Approval which states:

1. General

Where the express terms of this ordinance authorize a decision-making body to approve a development application with conditions, such body may impose reasonable and appropriate conditions or restrictions on the approval. The conditions may, as appropriate, ensure compliance with particular standards of this ordinance, prevent or minimize adverse effects from the proposed development on surrounding lands, or ensure conformance to the goals, objectives, policies,

strategies, and actions included in City-adopted plans addressing the City's growth and development.

2. Limitations

The restrictions and conditions imposed must be related in both type and amount to the impact that the proposed development would have on the public and surrounding development. All conditions imposed shall be expressly set forth in the permit approval.

Merits of the Special Use Permit

Pursuant to Article 2: Administration, Section 2.3 Standards and Requirements for Development Applications, Subsection D: Special Use Permits, of the UDO, staff submits the following findings of fact:

- a. The proposed use is designated as an allowable special use in the zoning district where located;

Preliminary staff findings: The property is zoned Residential Single Family - 20 (RSF-20) and Residential Single Family - 7 (RSF-7) within these zoning districts, religious institutions require Special Use Permit approval.

- b. The development complies with all applicable standards in Article 4: Use Standards, Section 4.2, Use-Specific Standards;

Preliminary staff findings: City staff has determined that the Type III Site plan provided does meet all applicable standards for the proposed use and approval shall be conditioned upon the following:

- 1. Submission and approval of a recombination plat prior to the building permit being applied for.

- c. The location and character of the development conforms with all City adopted plans addressing the City's growths and development;

Preliminary staff findings: The subject parcel is designated as High Density Residential (HDR) by the CAMA future land use map. Properties to the north, and across Old Maplehurst Road, are designated Low Density Residential; property to the east is identified as Institutional (I); and property to the south are identified as HDR. Religious Institutions service residential communities in high and low dense areas. The CAMA states that the proposed land use would be in conformity with the future designation. The proposed use is consistent with the HDR CAMA designation.

Staff has found that the proposed use is consistent with the City's land use plan;

- d. The development's streets, driveways, parking lots, traffic control and any other traffic circulation features are designed or provided in accordance with current traffic

engineering standards and relevant City regulations, and will be adequate for the proposed use;

Preliminary staff findings: City staff has determined that the Type III Site plan provided does meet all applicable standards.

- e. The development will not substantially injure the value of adjoining properties;

Preliminary staff findings: The proposed development is located within the Extraterritorial Jurisdiction and is zoned RSF-20 and RSF-7. The site is bordered to the north by properties zoned RSF-7 and used for single-family homes; to the south property zoned RSF-20 and used for single-family dwellings; to the east property zoned RSF-7, and used by Southwest Middle School; and to the west across Old Maplehurst Road by property in Onslow County's planning and zoning jurisdiction.

At the time this agenda item was being prepared, staff had neither found nor been presented with any evidence that the proposed development would substantially injure the value of adjoining properties.

- f. The development is compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Preliminary staff findings: The proposed development is located within the Extraterritorial Jurisdiction and is zoned RSF-20 and RSF-7. The site is bordered to the north by properties zoned RSF-7 and used for single-family homes; to the south property zoned RSF-20 and used for single-family dwellings; to the east property zoned RSF-7, and used by Southwest Middle School; and to the west across Old Maplehurst Road by property in Onslow County planning and zoning jurisdiction.

At the time this agenda item was being prepared, staff had neither found nor been presented with any evidence that the proposed development was not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed development will not materially endanger the public health or safety;

Preliminary staff findings: At the time this agenda item was being prepared, staff had neither found nor been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

- A.** Approve the Special Use Permit and Site Plan as presented.

- Pros: Allows the development process to move forward.
- Cons: Would not address the need to recombine the five lots into one.

B. Conditionally Approve the Special Use Permit and Site Plan as presented with the following conditions: **(RECOMMENDED)**

1. Submission and approval of a recombination plat prior to the building permit being applied for.

- Pros: Allows the development process to move forward.
- Cons: None

C. Deny the Special Use Permit and Site Plan request.

- Pros: None
- Cons: Would not allow the process to move forward.

D. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: Would delay the development process.



Draft Planning Board Minutes – January 11, 2016

Agenda Item:	4
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Public Hearing (*Quasi-Judicial*) Special Use Permit and Type III Site Plan – Freedom Worship Center – 1250 Old Maplehurst Road

Freedom Worship Center of Jacksonville has submitted a Special Use Permit and Type III Site Plan application seeking approval of a proposed 6615 square feet religious institution. The project is proposed on 4.55 acres of land at 1250 Old Maplehurst Road. The property has split zoning of Residential Single Family - 20 (RSF-20) and Residential Single Family - 7 (RSF-7), and within these zones religious institutions (church) require a Special Use Permit.

The proposed development is within the Extraterritorial Jurisdiction and will not impact the City's Sewer Allocation Policy. The subject parcel is designated as High Density Residential (HDR) by the CAMA future land use map. Properties to the north, and across Old Maplehurst Road, are designated Low Density Residential; property to the east is identified as Institutional (I); and property to the south are identified as HDR. Religious Institutions service residential communities in high and low dense areas. The proposed use is consistent with the HDR CAMA designation.

The proposed development site is located within the Extraterritorial Jurisdiction and is zoned RSF-20 and RSF-7. The site is bordered to the north by properties zoned RSF-7 and used for single-family homes; to the south property zoned RSF-20 and used for single-family dwellings; to the east property zoned RSF-7, and used by Southwest Middle School; and to the west across Old Maplehurst Road by property in Onslow County planning and zoning jurisdiction.

Per Article 5: Development Standards, Section 5.1: Off-Street Parking, Loading, and Circulation of the Unified Development Ordinance (UDO), religious institutions require 1 parking space per 4 seats in the sanctuary, and 1 space per 200 square feet of all other building area. The site plan identifies 75 parking spaces, and based on the proposed building it is 225 seats in the sanctuary requiring 57 spaces, and other building area totaling 3500 square feet which requires 18 spaces for a total of 75 parking spaces required.

The proposed site plan complies with Article 5.2: Landscaping Standards of the UDO. Due to the zoning of the subject site and those adjacent to the site, a type "A" buffer is not required. The proposed site plan complies with Article 5.5 Exterior Lighting of the UDO. The site is zoned residential and is a more intense use than adjacent properties, therefore light poles will be limited to 16 feet in height, and any sight lighting can not exceed 0.5

foot candles at the property line. As with all new development this site will have to maintain a "dark sky" standard.

City staff recommends approval with the condition found in the staff report of the Special Use Permit and Site Plans with Findings of Fact A thru G being found in the affirmative.

Chairman Spring asked if it was possible that the land next to this is of the nature that could possibly be used for overflow parking or something else if they need it. Mr. Smith stated Mr. Pierce has explained that the proposal is within the church's financial constraints right now but they would like to leave this open for possible future expansion. Mr. Spring asked for clarification on the handicap parking requirements. Mr. Goodson and Mr. King both explained the requirements for handicap parking.

Mr. Keyes asked about the onsite septic. Mr. Smith explained that there were several septic tanks for the mobile homes that were previously there but the church will have just one new system. Mr. Keyes asked if a retention pond would be required for this site and Mr. Smith said one would not be required.

Ms. VanderVere asked what the land to the left of the site is. Mr. Smith showed on the map what each adjacent property was used for.

Mr. Burgess asked what things didn't comply with applicable city standards. Mr. King said they do comply because we received a revised plan right before we printed the packets.

Thomasine Moore moved to approve the special use permit and site plan with the condition that the submission and approval of a recombination plat prior to the building permit being applied for. Suzanne Nelson seconded the motion.

The motion to approve the special use permit and site plan with the condition that the submission and approval of a recombination plat prior to the building permit being applied for was unanimously approved by the Board Members present.

WORKSHEET FOR SPECIAL/CONDITIONAL USE PERMITS

Applicant: Freedom Worship Center of Jacksonville

Location: 1250 Old Maplehurst (Tax Map 332, Parcel ID #195, 197, 197.1, 197.2, 197.3)

Proposed Use of Property: Religious Institution

FINDINGS OF FACT

a.	The proposed use is designated as an allowable Special Use in the zoning district where located;	Yes	No
b.	The development complies with all applicable standards in Section 4.2, Use Specific Standards;	Yes	No
c.	The location and character of the development conforms with all City adopted plans addressing the City's growth and development;	Yes	No
d.	The development's streets, driveways, parking areas, traffic control, and other traffic control, and any other traffic circulation features are designed or provided in accordance with current traffic engineering standards and relevant City regulation, and will be adequate for the proposed use;	Yes	No
e.	The development will not substantially injure the value of adjoining properties;	Yes	No
f.	The development is compatible and in harmony with adjoining land uses and the development pattern of the immediate area; and	Yes	No
g.	The proposed development will not materially endanger the public health or safety.	Yes	No

2. GRANTING THE SPECIAL USE PERMIT

Motion to grant the Special Use permit based on items (a) through (g) found to be affirmative.

___ The Special Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect:_____

3. DENYING THE SPECIAL USE PERMIT

Motion to deny based on:

___ The Application is denied because, if completed as proposed, the development more probably than not:_____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons:_____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons:_____

Exhibit

A

Freedom Worship Center
Special Use Plan
Required Findings of Fact

- a. The proposed use is an allowable special/conditional use in the zoning district it is being located in;

The proposed use listed in the application and on the plan is a permitted use in the RSF-20 & RSF-7 zones.

- b. The application is complete;

The application is complete and all required information (fees, maps, etc.) has been submitted.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

The current CAMA FLU map identifies this area as low density & high density use.

Low Density Residential (LDR) provides primarily single-family detached residential development with home occupations, schools, churches and other non-profit organizations.

High Density Residential (HDR) Consist of high-density residential structures and mixed use Structures with commercial and service establishments on the lower floors. HDR areas shall be located within downtown and adjacent to Regional Commercial centers.

The proposed site fronts and has access on a major thoroughfare. The building allows for a single use with adequate on-site parking with no shared access to adjoining property. Water service is connected to existing water lines running along the front of the property. Sewer will be provided by an individual septic system. A five (5) foot sidewalk is to be constructed along the road frontage which will allow any future sidewalks on adjoining properties to tie into.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed special/conditional use;

The proposed site has access to Old Maplehurst Road (NCSR 1130) with two (2) 26 foot driveways serving 75 parking spaces, 3 of which are handicapped accessible. Traffic control signage is provided as per the City of Jacksonville MSSD standards.

All drives and parking meet the dimensional requirements of the MSSD and Zoning ordinance.

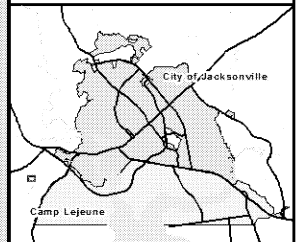
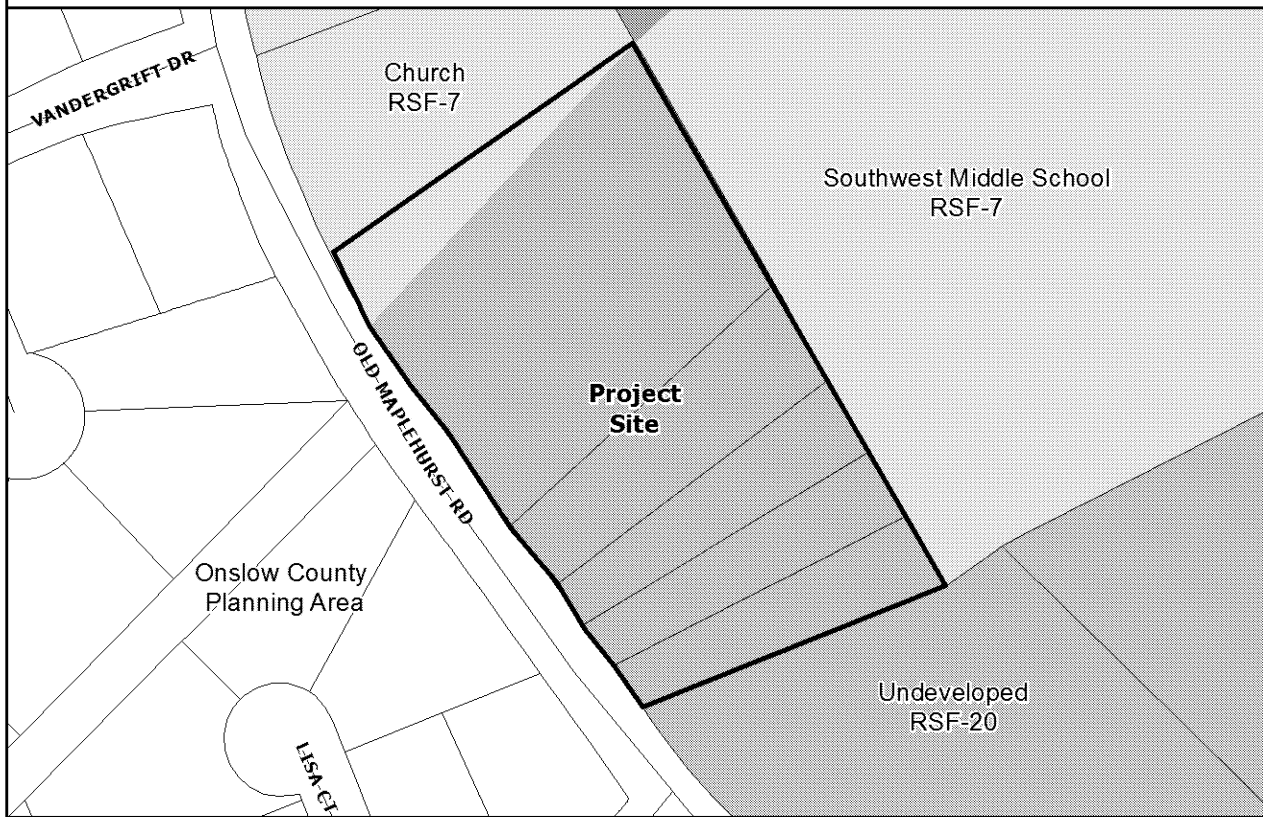
- e. The proposed special use will not substantially injure the value of adjoining or abutting properties;

The proposed site is located within the City's ETJ and is zoned RSF-7 & RSF-20. The site is bordered to the North by Southwest Middle School zoned RSF-7, to the East by undeveloped property zoned RSF-20, to the South across Old Maplehurst Road by a residential development zoned R-15 (County), and to the West by a

Exhibit

B

Freedom Worship - 1250 Old Maplehurst Road



Exhibit

C

Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



1 inch = 90 feet



Request for City Council Action

Agenda Item:	5
Date:	1/19/2016

Subject: Public Hearing (*Legislative*) Map Amendment – Rezoning from RSF-7 to
OI – 140 Piney Green Road

Department: Development Services

Presented by: Jeremy B. Smith, Senior Planner

Public Hearing: Yes

Issue Statement

United Pentecostal Church of Jacksonville has submitted a rezoning request for .54 acres located at 140 Piney Green Road. The applicant is requesting the parcel currently zoned Residential Single Family 7 (RSF-7) be rezoned to Office and Institutional (OI). If approved the parcel would be allowed to be used more broadly. The proposed OI zoning is consistent with the City's future land use plans.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consideration of the Proposed Request

Recommendation

The Planning Advisory Board and City Staff recommend approval of the rezoning request based on Findings of Facts A through J being found in the affirmative. The rezoning advances the public interest by creating more development opportunities and making consistent with the Future Land Use map.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Rezoning Worksheet
- B Proposed Ordinance
- C Portion of Article 3 of the UDO – RSF-7 District
- D Portion of Article 3 of the UDO – OI District
- E UDO use table
- F Existing Zoning Map
- G Existing CAMA Future Land Use Map
- H Proposed Zoning Map



Staff Report

Agenda Item:	5
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Public Hearing (*Legislative*) Map Amendment – Rezoning from RSF-7 to OI – 140 Piney Green Road

Introduction

United Pentecostal Church of Jacksonville has submitted a rezoning request for .54 acres located at 140 Piney Green Road. The applicant is requesting the parcel currently zoned Residential Single Family 7 (RSF-7) be rezoned to Office and Institutional (OI). If approved the parcel would be allowed to be used more broadly. The proposed OI zoning is consistent with the City's future land use plans.

Procedural History

- On November 10, 2015 United Pentecostal Church submitted a rezoning request
- On December 14, 2015 the Planning Advisory Board recommended approval of the rezoning request.
- On January 19, 2016 City Council will conduct a public hearing and consider the rezoning request.

Stakeholders

- United Pentecostal Church of Jacksonville – Applicant/Property owner
- Surrounding property owners – In accordance with General Statutes, property owners within 100 feet of the area proposed for rezoning were notified via first class mail. In addition, signs were posted on site and legal advertisements will be printed in the Jacksonville Daily News prior to the public hearing.

Transportation Assessment

Article 5.6 Transportation Impact Analysis (TIA) of the Jacksonville Unified Development Ordinance (UDO) identifies the type of applications that necessitate an assessment, which includes a zoning map amendments (rezoning). As normal procedure, staff did not recommend that a TIA be prepared and would defer any possible TIA to an actual development proposal if/when one is submitted.

Zoning Assessment

The parcel proposed for rezoning is located at 140 Piney Green Road and is currently used by the church. The property is bordered on the North, by property that is zoned Corridor Commercial (CC); parcels to the South are zoned Residential Single Family - 7 (RSF-7); parcels to the west are zoned Residential Multi Family – High Density (RMF-HD); and

parcels to the east across Piney Green Road are zoned Corridor Commercial (CC) and Residential Multi Family – Low Density (RMF-LD)

Map Amendment Standards:

Amending the official zoning map (rezoning) is a matter committed to the legislative discretion of the City Council. In determining whether to adopt or deny a proposed amendment, the City Council shall consider and weigh the relevance of the following factors:

- A. Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;*

Evaluation:

The CAMA Future Land Use identifies the subject parcels as Public/Institutional (P). The properties to the North is designated Neighborhood Commercial. To the East across Piney Green Road the properties are Mixed Use (MXD). To the south properties are identified as Low Density Residential (LDR). To the west properties are designated as Regional Commercial (RC). The CAMA Plan states Public/Institutional is intended to include uses owned and maintained by government at all levels, including schools, maintenance facilities, and public utilities; and semi-public uses such as churches and non-profit organizations where the public is generally invited. Staff believes the rezoning request is reasonable given the future land use designation. The request aligns the zoning of the parcels with the CAMA recommendations. This site is home to an existing church and used as such.

- B. Whether and the extent to which there are changed conditions that require an amendment;*

Evaluation:

The CAMA plan suggested Public/Institutional is a favorable future land use. The zoning district requested is Office and Institutional. This district is slightly more intense than the residential zoning. Parcels to the north are zoned corridor commercial and properties to the south are zoned residential, therefore the OI zoning creates a transition area.

- C. Whether and the extent to which the proposed amendment addresses a demonstrated community need;*

Evaluation:

CAMA plan suggests that institutional districts of development are needed in the area. This amendment would allow the subject parcel to be used in a commercial manner.

- D. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;*

Evaluation:

Portions of Article 3 (RSF-7) & (OI) of the Unified Development Ordinance can be found in Attachments C & D. Rezoning the subject property to OI will allow uses that are currently not allowed within the RSF-7 zoning. The subject parcel has commercial zoning to the North and East. To the West and South of the property is directly adjacent to residential and potential for office and institutional uses to be a disruption should be considered. If the subject parcel were to be rezoned more intense uses would be permitted by right instead of prohibited. However, the lot has frontage on Piney Green Road which is more suitable for office and institutional uses than residential.

- E. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;*

Evaluation:

The site has surrounding commercial and residential zoning. An orderly development would fit in one of those categories. Piney Green Road has consistently become a more heavily traveled street showing support for commercial uses. The subject parcel has frontage on Piney Green Road and is adjacent to a commercial tract across the road. This logically fits commercial zoning. The requested OI district has a broader list of permitted uses some of which conflict with residential use. For institutional development to be orderly and logical it should be small scale to fit with the close proximity to residential. This is not required by ordinance.

- F. Whether and the extent to which the proposed amendment would encourage premature development;*

Evaluation:

Infrastructure including water, sewer and an adequate street network are available at the site. Development already exists in close proximity to the site. At the time of staff report preparation nothing indicated development would be premature.

- G. Whether and the extent to which the proposed amendment would result in strip or ribbon commercial development;*

Evaluation:

Strip or ribbon development traditionally occurs on small shallow lots designed in a linear pattern with separate driveways. The subject parcel has limited frontage width, which would not allow for strip or ribbon development. Additionally, driveway spacing requirements would limit access on Piney Green Road. Nothing indicated the subject site would be strip or ribbon development at the time of staff report preparation.

H. Whether and the extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts;

Evaluation:

The parcel proposed for rezoning is located at 140 Piney Green Road. The property is bordered on the North, by property that is zoned Corridor Commercial (CC); parcels to the South are zoned Residential Single Family - 7 (RSF-7); parcels to the west are zoned Residential Multi Family – High Density (RMF-HD); and parcels to the east across Piney Green Road are zoned Corridor Commercial (CC) and Residential Multi Family – Low Density (RMF-LD), However, the OI zoning would not be immediately contagious.

I. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and

Evaluation:

Based on conversations with the County Tax Assessors no evidence has been presented to suggest the rezoning would affect the property values of the surrounding land.

J. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Evaluation:

At the time of staff report preparation there was no evidence to suggest the rezoning would adversely impact the natural environment. Stormwater management could be required with any development proposal.

Public Hearing Notification

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels will be notified of the proposed rezoning. In addition, Public Hearing Notifications will be posted on the property and in the Jacksonville Daily News advertising the public hearing of the rezoning. The required notifications have been completed.

Options

Approve the Rezoning (RECOMMENDED)

- Pros: Approval of the rezoning request will allow more opportunities to develop the property as desired by the owners. The rezoning is consistent with the Future Land Use plans and the growth trend of the area.
- Cons: Approval of the rezoning request will allow a greater intensity of uses by right. The Commercial zoning would be directly adjacent to lots zoned residentially.

Deny the Rezoning Request.

- Pros: Denial of the rezoning request could prevent more intense land uses from occurring adjacent to residential zoning.
- Cons: Denial of the rezoning request limits the owner's development and use potential.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information Council would like to receive.

- Pros: Would allow the property owner, staff and/or adjacent property owners to try and work out any concerns raised, if any.
- Cons: None

*If denied, a new application cannot be resubmitted within one year unless approval is granted under the procedures set forth in Article 2.2 Common Review Procedures Subsection U. Waiver of Time Limit of the City of Jacksonville Unified Development Ordinance.



Draft Planning Board Minutes – December 14, 2015

Agenda Item:	5
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Public Hearing (*Legislative*) Map Amendment – Rezoning from RSF-7 to OI – 140 Piney Green Road

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Article 5.6 Transportation Impact Analysis (TIA) of the Jacksonville Unified Development Ordinance (UDO) identifies the type of applications that necessitate an assessment, which includes a zoning map amendments (rezoning). In typical fashion, staff did not recommend that a TIA be prepared and would defer any possible TIA to an actual development proposal if/when one is submitted.

The parcel proposed for rezoning is located at 140 Piney Green Road and is currently used by the church. The property is bordered on the North, by property that is zoned Corridor Commercial (CC); parcels to the South are zoned Residential Single Family - 7 (RSF-7); parcels to the west are zoned Residential Multi Family - High Density (RMF-HD); and parcels to the east across Piney Green Road are zoned Corridor Commercial (CC) and Residential Multi Family - Low Density (RMF-LD).

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels will be notified of the proposed rezoning. In addition, Public Hearing Notifications will be posted on the property and in the Jacksonville Daily News advertising the public hearing of the rezoning.

City Staff recommends approval of the rezoning request based on Findings of Facts A through J being found in the affirmative. The rezoning advances the public interest by creating more development opportunities and making consistent with the Future Land Use map.

Mr. Burgess asked if the church was planning to do anything different. Mr. Smith stated that the rezoning would allow them to broaden the uses allowed on the site. How this came about is they want to do a different type of sign that wouldn't be allowed in this particular zone. They want to do signage and continue the use of the church. Mr. Burgess stated his concern for traffic.

Chairman Spring clarified that the church just wants to do signage. Mr. Lewis stated that this district is slightly more intense than the residential district. Mr. Smith said yes.

Albert Burgess moved to approve the rezoning request based on Findings of Facts A through J being found in the affirmative. Suzanne Nelson seconded the motion.

The motion to approve the rezoning request based on Findings of Facts A through J being found in the affirmative was unanimously approved by the Board Members present.

WORKSHEET FOR REZONING REQUESTS

Applicant: United Pentecostal Church of Jacksonville

Property Location: 140 Piney Green Road

Tax Map and Parcel ID: 345-1.1

Existing zoning designation: Residential Single family 7 (RSF-7)

Proposed zoning designation: Office and Institutional (OI)

Proposed Conditions: None

REASONABLENESS FINDINGS OF FACT:

A. The proposed amendment is consistent with all City-adopted plans that are applicable;	Yes	No
B. There are changed conditions that require an amendment;	Yes	No
C. The proposed amendment addresses a demonstrated community need;	Yes	No
D. The proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;	Yes	No
E. The proposed amendment would result in a logical and orderly development pattern;	Yes	No
F. The proposed amendment would not encourage premature development;	Yes	No
G. The proposed amendment would not result in strip or ribbon commercial development;	Yes	No
H. The proposed amendment would not result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts;	Yes	No
I. The proposed amendment would not result in significant adverse impacts on the property values of surrounding lands; and	Yes	No
J. The proposed amendment would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.	Yes	No

Attachment

A

GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-J being found in the affirmative and that the rezoning advances the public interest.

DENYING THE REZONING REQUEST

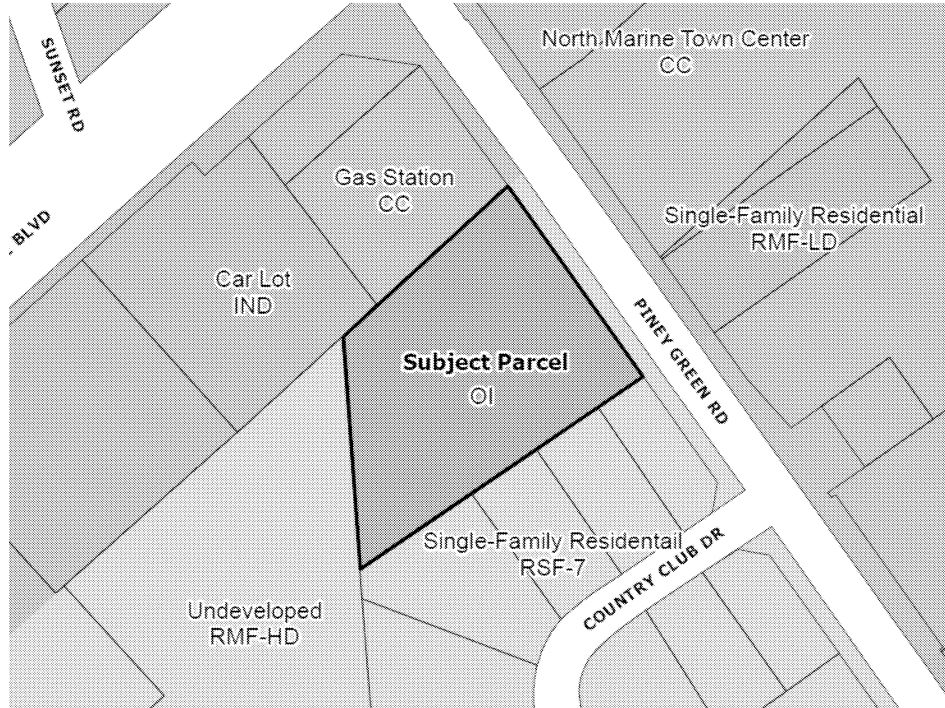
Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- A. Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;
- B. Whether and the extent to which there are changed conditions that require an amendment;
- C. Whether and the extent to which the proposed amendment addresses a demonstrated community need;
- D. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
- E. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
- F. Whether and the extent to which the proposed amendment would encourage premature development;
- G. Whether and the extent to which the proposed amendment would result in strip or ribbon commercial development;
- H. Whether and the extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts;
- I. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and
- J. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

ORDINANCE (2016-)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Official Zoning Map for the City of Jacksonville and its Extraterritorial Jurisdiction, an element of the City of Jacksonville Zoning Ordinance, is hereby amended to reflect the rezoning of the subject parcel to Office and Institutional (OI) as shown on the below map (3451.1).



This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 19th day of January, 2016.

Sammy Phillips
Mayor




ATTEST:

Carmen K. Miracle
City Clerk

Attachment

B

E. Residential Single-Family 7 (RSF-7) District

<div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><h1>RSF-7</h1><h2>Residential Single-Family 7</h2></div><div style="width: 50%; background-color: black; color: white; padding: 5px;">Dimensional Standards</div></div>																							
Purpose	<table><tr><td>Number of Dwelling Units per Single-Family Lot, max.</td><td>Single-family: 1 principal</td></tr><tr><td>Lot Size, min. (square feet)</td><td>7,000</td></tr><tr><td>Net Density, max. (units/acre)</td><td>6.22</td></tr><tr><td>Lot Coverage, max. (% of lot area)</td><td>60</td></tr><tr><td>Lot Width, min. (feet)</td><td>40</td></tr><tr><td>Front Setback from ROW, min. (feet)</td><td>25</td></tr><tr><td>Corner Side Setback, min. (feet)</td><td>15</td></tr><tr><td>Side Setback, min. (feet)</td><td>7</td></tr><tr><td>Rear Setback, min. (feet)</td><td>15</td></tr><tr><td>Accessory Use Setback, min. (feet)</td><td>5 (prohibited in front or corner side setbacks)</td></tr><tr><td>Height, max. (feet)</td><td>35</td></tr></table>	Number of Dwelling Units per Single-Family Lot, max.	Single-family: 1 principal	Lot Size, min. (square feet)	7,000	Net Density, max. (units/acre)	6.22	Lot Coverage, max. (% of lot area)	60	Lot Width, min. (feet)	40	Front Setback from ROW, min. (feet)	25	Corner Side Setback, min. (feet)	15	Side Setback, min. (feet)	7	Rear Setback, min. (feet)	15	Accessory Use Setback, min. (feet)	5 (prohibited in front or corner side setbacks)	Height, max. (feet)	35
Number of Dwelling Units per Single-Family Lot, max.	Single-family: 1 principal																						
Lot Size, min. (square feet)	7,000																						
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Rear Setback, min. (feet)	15																						
Accessory Use Setback, min. (feet)	5 (prohibited in front or corner side setbacks)																						
Height, max. (feet)	35																						
The RSF-7 district is established to accommodate primarily single-family detached residential development at medium densities on lots of 7,000 square feet. District regulations are intended to discourage any use that substantially interferes with the development of single-family dwellings or that is detrimental to the quiet residential nature of the district. The district accommodates complementary uses usually found in residential zoning districts such as parks, open space, schools, and minor utilities. Major utilities and religious institutions, are allowed subject to a Special Use Permit (see Section 2.3.D).																							
RSF-7 Typical Building Form	RSF-7 Typical Lot Pattern																						
	<div>RSF-7</div> 																						
																							

Attachment

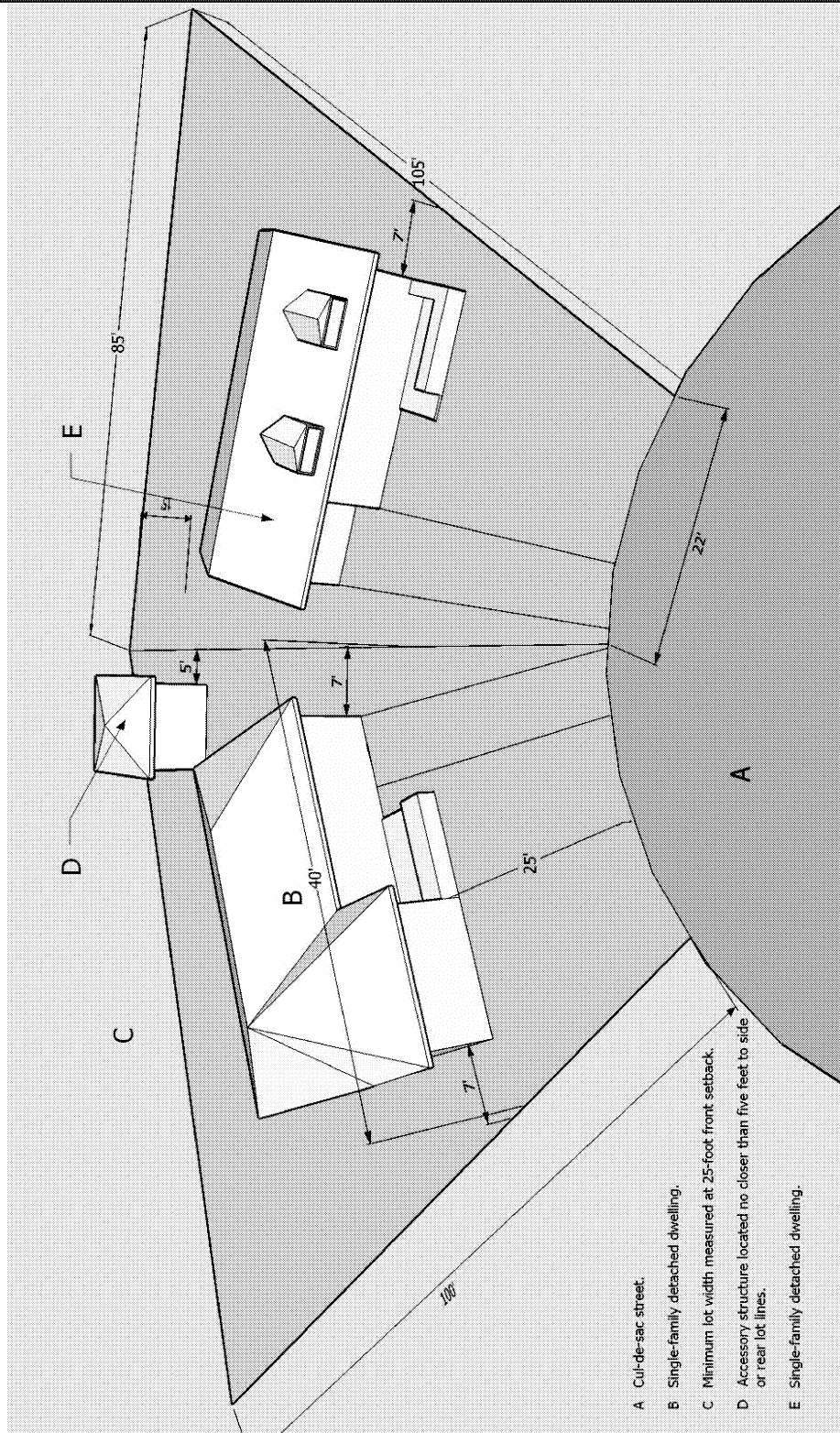
C

Article 3: Zoning districts


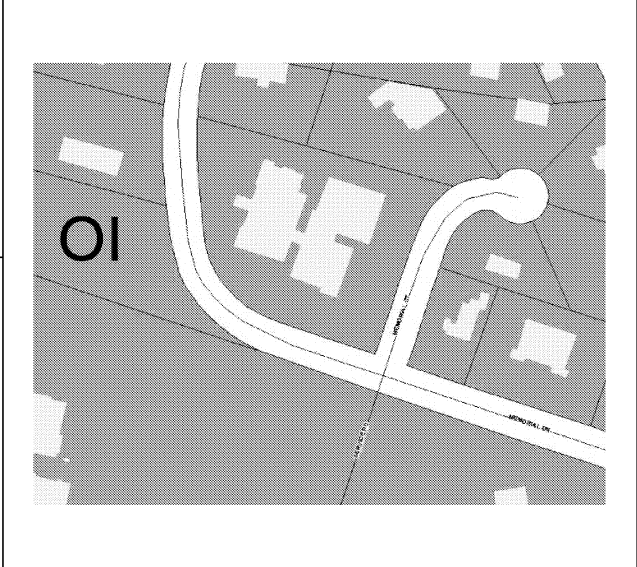
SECTION 3.5: Residential Base Zoning Districts

Subsection E: Residential Single-Family 7 (RSF-7) District

RSF-7 Typical Lot Configuration



C. Office and Institutional (OI) District

<div style="text-align: center;"> <h1 style="margin: 0;">OI</h1> <h2 style="margin: 0;">Office and Institutional</h2> </div>	Dimensional Standards	
	Number of Dwelling Units per Lot, max.	N/A
	Lot Size per Unit, min. (square feet)	N/A
	Net Density, max. (units/acre)	N/A
Purpose	Lot Coverage, max. (% of lot area)	N/A
<p>The OI district is established and intended to accommodate a mix of low-intensity professional and business offices and institutions, subject to design and compatibility standards. The districts are generally near residential neighborhoods and often serve as a buffer or transition between residential neighborhoods and more intense business districts. Small-scale, low intensity retail uses intended to serve the development where located are allowed subject to a Special Use Permit (see Section 2.3.D).</p>	Lot Width, min. (feet)	N/A
	Front Setback , min. (feet)	25
	Corner Side Setback, min. (feet)	
	Rear Setback, min. (feet)	As required per landscaping standards
	Side Setback, min. (feet)	As required per landscaping standards
	Accessory Use Setback, min. (feet)	5 feet/or as required per landscaping (prohibited in front or corner side setbacks)
	Spacing Between Buildings, min. (feet)	10; 15 for buildings over 35 feet
	Height, max. (feet)	75
OI Typical Building Form		OI Typical Lot Pattern
		

Attachment

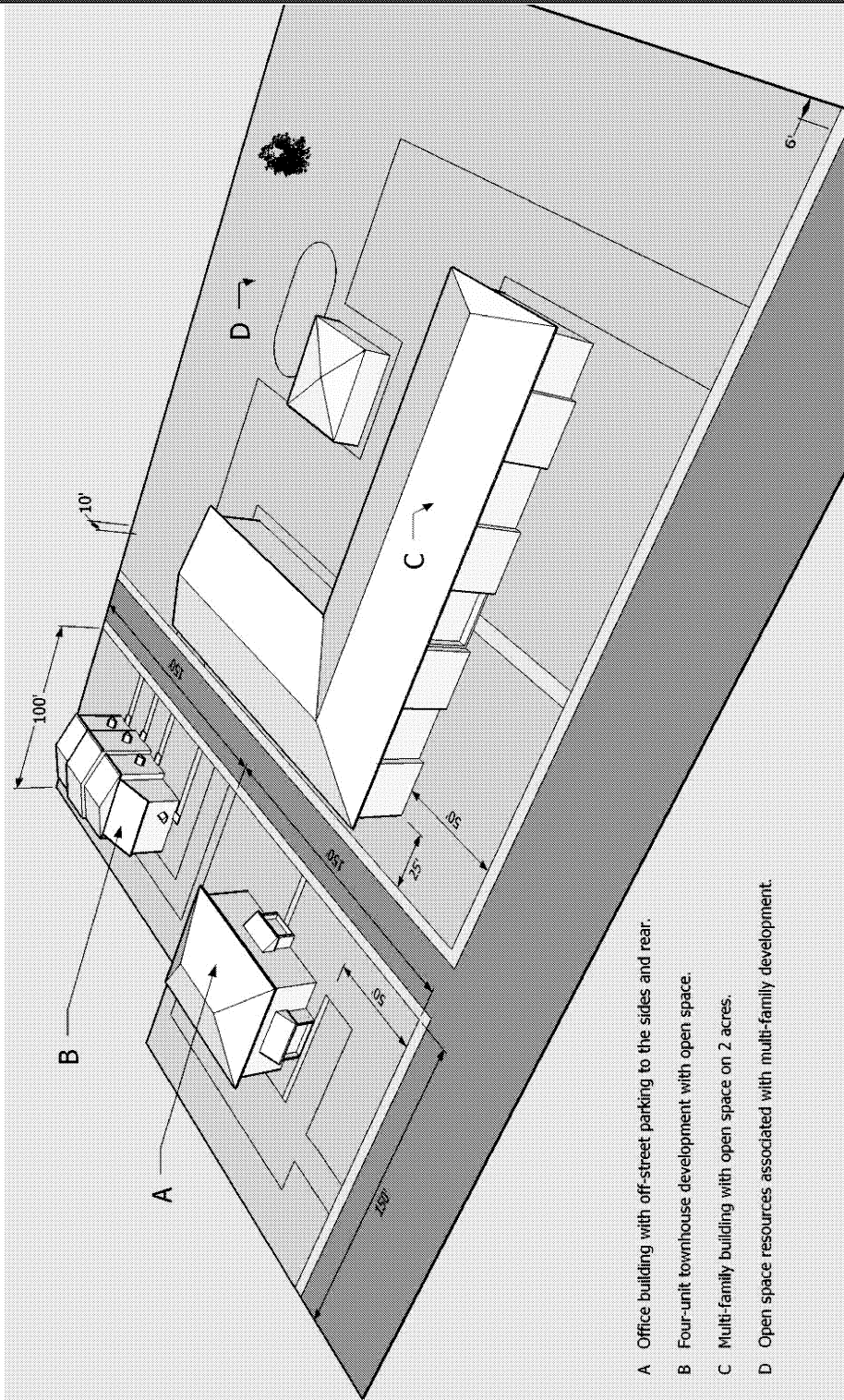
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Article 3: Zoning districts

SECTION 3.6: Nonresidential and Mixed Use Zoning Districts

Subsection D: Neighborhood Commercial (NC) District

OI Typical Lot Configuration



ARTICLE 4: USE STANDARDS

SECTION 4.1: Use Table

Subsection B: Use Table

B. Use Table

Table 4.1.1: Use Table																		
P = Permitted Use				S = Special Use				MP = Allowed Subject to a PD Master Plan						NA = Prohibited				
Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Developme nt			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
AGRICULTURAL USES																		
Agriculture	Livestock	S	S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
	Plant nursery	P	P	NA	NA	NA	NA	NA	NA	P	NA	NA	P	P	NA	MP	MP	
Agricultural Support and Services	Horse stable	P	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	MP	NA	MP	A.1
RESIDENTIAL USES																		
Household Living	Dwelling, duplex	NA	NA	NA	NA	NA	P	P	NA	NA	S	P	NA	NA	MP	MP	MP	B.1.a
	Dwelling, live/work	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	S	MP	MP	MP	B.1.b
	Dwelling, mansion apartment	NA	NA	NA	NA	S	S	S	S	S	S	S	NA	NA	MP	MP	MP	B.1.c
	Dwelling, mobile home	P	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	B.1.d
	Dwelling, modular	P	P	P	P	P	P	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	B.1.e
	Dwelling, multi-family*	NA	NA	NA	NA	NA	NA	P	NA	NA	S	P	NA	NA	MP	MP	MP	B.1.f
	Dwelling, multi-family 350' or more from main roadway*	NA	NA	NA	NA	NA	NA	P	NA	NA	S	P	P	NA	MP	MP	MP	B.1.f
	Dwelling, single-family detached	P	P	P	P	P	P	NA	NA	NA	P	P	NA	NA	MP	MP	MP	B.1.g
	Dwelling, townhouse	NA	NA	NA	NA	NA	NA	P	NA	NA	S	P	NA	NA	MP	MP	MP	B.1.f
	Dwelling, upper story	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	S	MP	MP	MP	
Mobile home park or subdivision	S	S	NA	NA	NA	S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	B.1.i
Group Living	Family care home and Group home	NA	NA	NA	NA	NA	S	S	NA	NA	S	S	S	NA	MP	MP	MP	B.2.a
	Rooming or boarding house	NA	NA	NA	NA	NA	S	S	NA	NA	S	S	S	NA	MP	MP	MP	B.2.b
PUBLIC AND INSTITUTIONAL USES																		
Community Services	Community center*	S	S	S	S	S	S	S	P	S	S	P	P	NA	MP	MP	MP	
	Cultural facilities*	NA	NA	NA	NA	S	S	NA	P	P	S	P	NA	NA	MP	MP	MP	
	Library*	S	S	S	S	S	S	S	P	P	S	P	P	P	MP	MP	MP	
	Museum*	S	S	S	S	S	S	S	P	P	S	P	P	NA	MP	MP	MP	

ARTICLE 4: USE STANDARDS

SECTION 4.1: Use Table

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		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
	Senior center*	S	S	S	S	S	S	S	P	P	S	P	S	NA	MP	MP	MP	
Day Care	Adult day care*	S	S	S	S	S	S	S	P	P	S	P	P	NA	MP	MP	MP	C.2.a
	Child day care*	S	S	S	S	S	S	S	P	P	S	P	P	S	MP	MP	MP	C.2.b
Educational Facilities	College or university*	NA	NA	NA	NA	NA	NA	NA	P	NA	S	P	P	NA	NA	MP	MP	
	School, elementary*	P	P	P	P	P	P	P	P	NA	P	P	P	NA	MP	NA	MP	
	School, middle*	P	P	P	P	P	P	P	P	NA	P	P	P	NA	MP	NA	MP	
	School, high*	S	S	S	S	S	S	S	P	NA	P	P	P	NA	NA	MP	MP	
	Vocation or trade school*	NA	NA	NA	NA	NA	NA	NA	P	NA	S	P	P	P	NA	MP	MP	
Governmental Facilities	Government maintenance or distribution	NA	NA	NA	NA	NA	S	S	NA	NA	S	S	P	P	MP	MP	MP	
	Offices*	NA	NA	NA	NA	NA	NA	S	P	P	P	S	P	P	MP	MP	MP	
	Post office	NA	NA	NA	NA	NA	NA	S	P	P	NA	S	P	P	MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	P	P	NA	NA	MP	MP	
	Drug/alcohol treatment facility	NA	NA	NA	NA	NA	NA	NA	S	NA	NA	S	P	S	NA	MP	NA	
	Hospital*	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	S	P	NA	NA	MP	MP	C.3.a
	Medical/dental clinic*	NA	NA	NA	NA	NA	NA	NA	P	P	S	P	P	NA	NA	MP	MP	
	Medical treatment facility*	NA	NA	NA	NA	NA	NA	NA	P	P	NA	P	P	NA	NA	MP	MP	C.3.b
Institutions	Assisted living facility*	S	S	S	NA	NA	S	P	P	P	S	P	P	NA	MP	MP	MP	
	Auditorium*	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	P	P	NA	NA	MP	MP	
	Club or lodge*	S	S	S	S	S	S	S	P	S	S	P	P	S	MP	MP	MP	
	Convention center*	NA	NA	NA	NA	NA	NA	NA	S	NA	NA	P	P	S	NA	MP	NA	
	Halfway house	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	MP	MP	MP	C.3.A
	Homeless Shelters	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	NA	NA	C.3.B
	Nursing home*	S	S	NA	NA	NA	NA	P	P	P	S	P	P	NA	MP	MP	MP	
	Religious institution*	S	S	S	S	S	S	P	P	P	S	P	P	S	MP	MP	MP	
Parks and Open Areas	Arboretum or garden	P	P	P	P	P	P	P	P	P	P	P	P	S	MP	MP	MP	
	Cemetery	S	S	NA	NA	NA	NA	NA	S	NA	S	P	NA	NA	MP	MP	NA	C.4.a

ARTICLE 4: USE STANDARDS

SECTION 4.1: Use Table

Subsection B: Use Table

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		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
					A		A											
	Community dock, major	S	S	S	S	S	S	S	NA	NA	S	S	P	P	MP	MP	MP	
	Community dock, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	S	MP	MP	MP	
	Marina	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	NA	NA	NA	
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Square or plaza	S	S	S	S	S	P	P	P	P	P	P	P	P	MP	MP	MP	
Public Safety	Correctional facility*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	NA	NA	NA	
	Fire or EMS facility	S	S	S	S	S	S	S	P	P	S	P	P	P	MP	MP	MP	
	Police station	S	S	S	S	S	S	S	P	P	S	P	P	P	MP	MP	MP	
Transportation	Airport	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Helicopter landing facility	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Passenger terminal*	NA	NA	NA	NA	NA	NA	NA	S	S	NA	P	P	P	MP	MP	MP	
	Private landing strip	S	S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
Utilities	Telecommunications antenna, collocation*	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Telecommunications tower, freestanding*	S	S	S	S	S	S	S	S	S	S	S	S	P	MP	MP	MP	
	Utility, major	S	S	S	S	S	S	S	S	S	S	S	P	P	MP	MP	MP	
	Utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USES																		
Adult Establishments	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA	NA	
Animal Care																		
	Kennel, indoor or outdoor	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA	P	P	MP	MP	MP	
	Veterinary clinic with outdoor kennel	NA	NA	NA	NA	NA	NA	S	P	S	NA	S	P	P	NA	MP	MP	
	Veterinary clinic without outdoor kennel	NA	NA	NA	NA	NA	NA	S	P	S	NA	P	P	P	NA	MP	MP	
Billboards	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA	NA	

ARTICLE 4: USE STANDARDS

SECTION 4.1: Use Table

Subsection B: Use Table

Table 4.1.1: Use Table

P = Permitted Use

S = Special Use

MP = Allowed Subject to a PD Master Plan

NA = Prohibited

Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
Eating Establishments	Restaurant, with indoor or outdoor seating	NA	NA	NA	NA	NA	NA	S	S	P	NA	P	P	P	MP	MP	MP	D.4.a
	Restaurant, with drive-through service	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	MP	MP	MP	D.4.b
	Specialty eating establishment, with or without drive-through service	NA	NA	NA	NA	NA	NA	S	P	P	NA	P	P	P	MP	MP	MP	
Offices	Business, financial, professional services*	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	MP	MP	MP	
Parking	Vehicular use area	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	MP	MP	MP	D.5.a
	Parking structure	NA	NA	NA	NA	NA	NA	NA	P	P	S	S	P	P	MP	MP	MP	D.5.b
	Vehicle storage	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	NA	
Personal Services Establishment	Financial institution (without drive-through)	NA	NA	NA	NA	NA	NA	NA	P	P	NA	P	P	S	MP	MP	MP	D.6.b
	Financial institution (with drive-through)	NA	NA	NA	NA	NA	NA	NA	S	S	NA	NA	P	P	NA	MP	MP	
	Funeral home	NA	NA	NA	NA	NA	NA	NA	P	NA	S	P	P	P	NA	MP	MP	D.6.a
	Laundromat	NA	NA	NA	NA	NA	NA	S	P	P	NA	P	P	P	MP	MP	MP	
	Pawn shop/Lending institution	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	S	NA	MP	MP	
	Repair establishment	NA	NA	NA	NA	NA	NA	NA	P	P	NA	P	P	P	NA	MP	MP	
	Tattoo parlor/piercing establishment	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	MP	
	Personal services establishment	NA	NA	NA	NA	NA	NA	NA	S	P	NA	P	P	S	MP	MP	MP	
Recreation and Entertainment	Arcade	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	P	P	NA	NA	MP	MP	
	Arcade, Adult	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Arena, stadium, or coliseum*	S	S	NA	NA	NA	NA	NA	P	NA	NA	P	P	P	NA	MP	MP	D.7.a
	Athletic field or court*	P	P	P	P	P	P	P	P	NA	S	P	NA	NA	MP	MP	MP	D.7.c
	Golf course	P	P	P	P	P	P	P	NA	NA	S	S	S	NA	MP	MP	MP	

ARTICLE 4: USE STANDARDS

SECTION 4.1: Use Table

Subsection B: Use Table

Table 4.1.1: Use Table

P = Permitted Use

S = Special Use

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NA = Prohibited

Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
	Indoor commercial recreation*	NA	NA	NA	NA	NA	NA	NA	S	P	S	P	P	P	MP	MP	MP	
	Outdoor commercial recreation*	S	S	NA	NA	NA	NA	NA	S	P	S	P	P	S	MP	MP	MP	
	Sweepstakes Establishment	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
	Swimming pool	S	S	S	S	S	S	S	P	P	P	P	P	S	MP	MP	MP	D.7.b
	Theatre, Indoor*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	MP	MP	
Retail Sales	Bar, nightclub, lounge, brown-bagging or tavern*	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	S	S	NA	MP	MP	
	BilliardNApool hall (with alcohol sales)	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	P	S	S	NA	MP	MP	
	BilliardNApool hall (without alcohol sales)	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	P	P	P	NA	MP	MP	
	Convenience store (without gas sales)	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	MP	MP	MP	D.8.a
	Convenience store (with gas sales)	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	P	P	MP	MP	MP	
	Drug store (without drive-through)	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	MP	MP	MP	D.8.b
	Drug store (with drive-through)	NA	NA	NA	NA	NA	NA	NA	P	S	NA	NA	P	P	NA	MP	MP	
	Flea market	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	S	NA	MP	MP	
	Gasoline sales	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	MP	D.8.c
	General	NA	NA	NA	NA	NA	NA	NA	NA	S	S	P	P	P	NA	MP	MP	
	Grocery store*	NA	NA	NA	NA	NA	NA	NA	S	S	P	P	P	S	MP	MP	MP	
	Hookah lounge	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	S	S	NA	MP	MP	
	Liquor store	NA	NA	NA	NA	NA	NA	NA	S	S	NA	P	P	P	NA	MP	MP	
	Outdoor Sales (as a principal use)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	NA	
	Shopping center*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA	MP	MP	
Self-Service Storage	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	MP	D.9
Vehicles Sales and Services	Automotive sales or rentals	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	MP	D.10.d
	Automotive painting/body shop	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP		D.10.a
	Automotive	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	P	P	NA	MP	MP	D.10.b

ARTICLE 4: USE STANDARDS

SECTION 4.1: Use Table

Subsection B: Use Table

Table 4.1.1: Use Table

P = Permitted Use

S = Special Use

MP = Allowed Subject to a PD Master Plan

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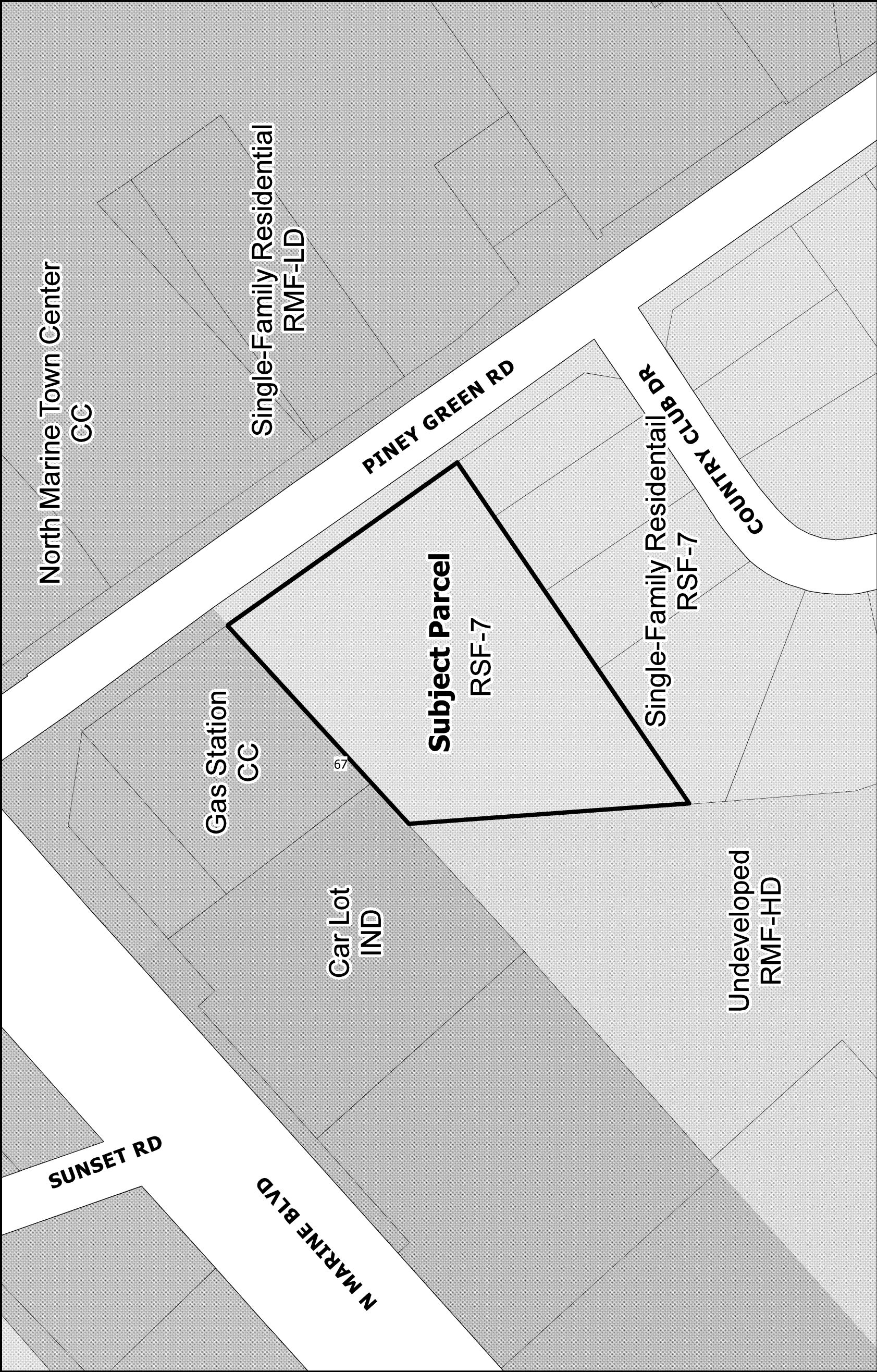
Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
	parts/installation				A		A		A		A							
	Automotive repair and servicing (without paintingNAbodywork)	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	P	P	NA	MP	MP	D.10.c
	Automotive wrecker service	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	D.10.e
	Boat and marine rental/sales	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	S	P	P	NA	MP	NA	
	Boat repair and servicing	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	NA	
	Recreational vehicle rental/sales	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	NA	
	Taxicab operation	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P	MP	MP	MP	
	Truck and trailer rental/sales	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
Visitor Accommodations	Bed & breakfast	NA	NA	NA	NA	S	P	P	P	P	P	P	P	NA	MP	MP	MP	110.a
	Hotel/motel*	NA	NA	NA	NA	NA	NA	NA	S	S	NA	P	P	NA	NA	MP	MP	11.b
INDUSTRIAL USES																		
Extractive Industry	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	E.1
Industrial Services	Building, heating, plumbing, or electrical contractor	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Concrete / asphalt plant	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	
	Electric motor repair	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	MP	E.2.a
	Fuel oil/bottled gas distributor	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	
	Flex space	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	NA	
	Heavy equipment sales, rental, or storage	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Heavy equipment servicing and repair	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	E.2.b
	Laundry, dry cleaning, and carpet cleaning plants	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	E.2.c
	Machine shop	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Repair of scientific or professional	NA	NA	NA	NA	NA	NA	NA	S	S	NA	S	P	P	NA	MP	MP	

ARTICLE 4: USE STANDARDS
SECTION 4.2: USE-SPECIFIC STANDARDS
 Subsection B: Use Table

Table 4.1.1: Use Table P = Permitted Use S = Special Use MP = Allowed Subject to a PD Master Plan NA = Prohibited																		
Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2:
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
	instruments																	
	Research and development	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	P	P	P	NA	MP	MP	
	Tool repair	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	MP	
Manu- facturing and Production	Manufacturing, heavy	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	E.3.a
	Manufacturing, light	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
Warehouse and Freight Movement	Cold storage plant	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Outdoor storage (as a principal use)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	E.4.a
	Parcel services	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	MP	E.4.b
	Truck or freight terminal	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Warehouse (distribution)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Warehouse (storage)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	MP	
Waste- Related Services	Incinerator	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Land application of wastes	S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Landfill, construction debris	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	NA	NA	E.5.b
	Landfill, land clearing and inert debris	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Landfill, sanitary	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	E.5.c
	Recycling and salvage center	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	E.5.d
	Recycling drop-off center	S	S	S	S	S	S	S	S	P	S	S	P	P	MP	MP	MP	E.5.e
	Salvage and junkyard	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	E.5.f
	Tire disposal or recycling	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	
	Waste composting	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	
Wholesale Sales	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	MP	E.6

*Subject to Flight Path Overlay (See Section 3.9.F)

140 Piney Green Road



North Marine Town Center
CC

Gas Station
CC

Car Lot
IND

Single-Family Residential
RMF-LD

PINEY GREEN RD

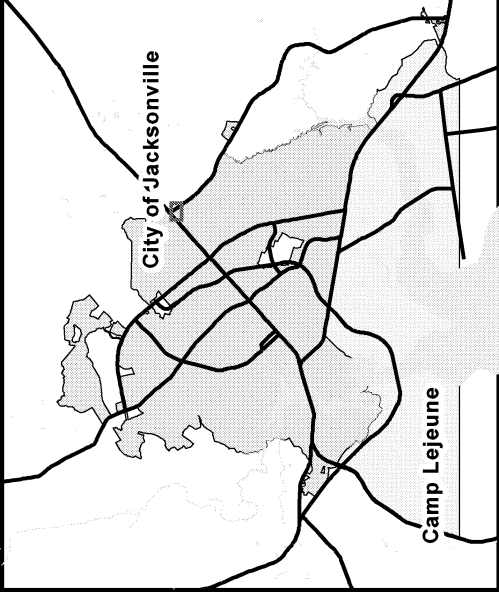
Subject Parcel
RSF-7

Single-Family Residential
RSF-7

Undeveloped
RMF-HD

Attachment

F



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1 inch = 110 feet

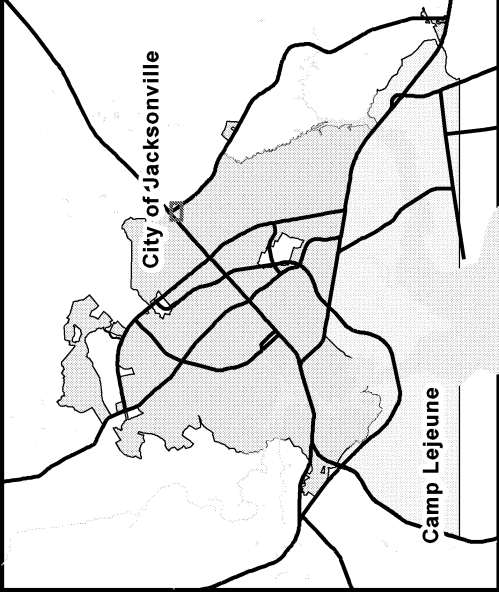
140 Piney Green



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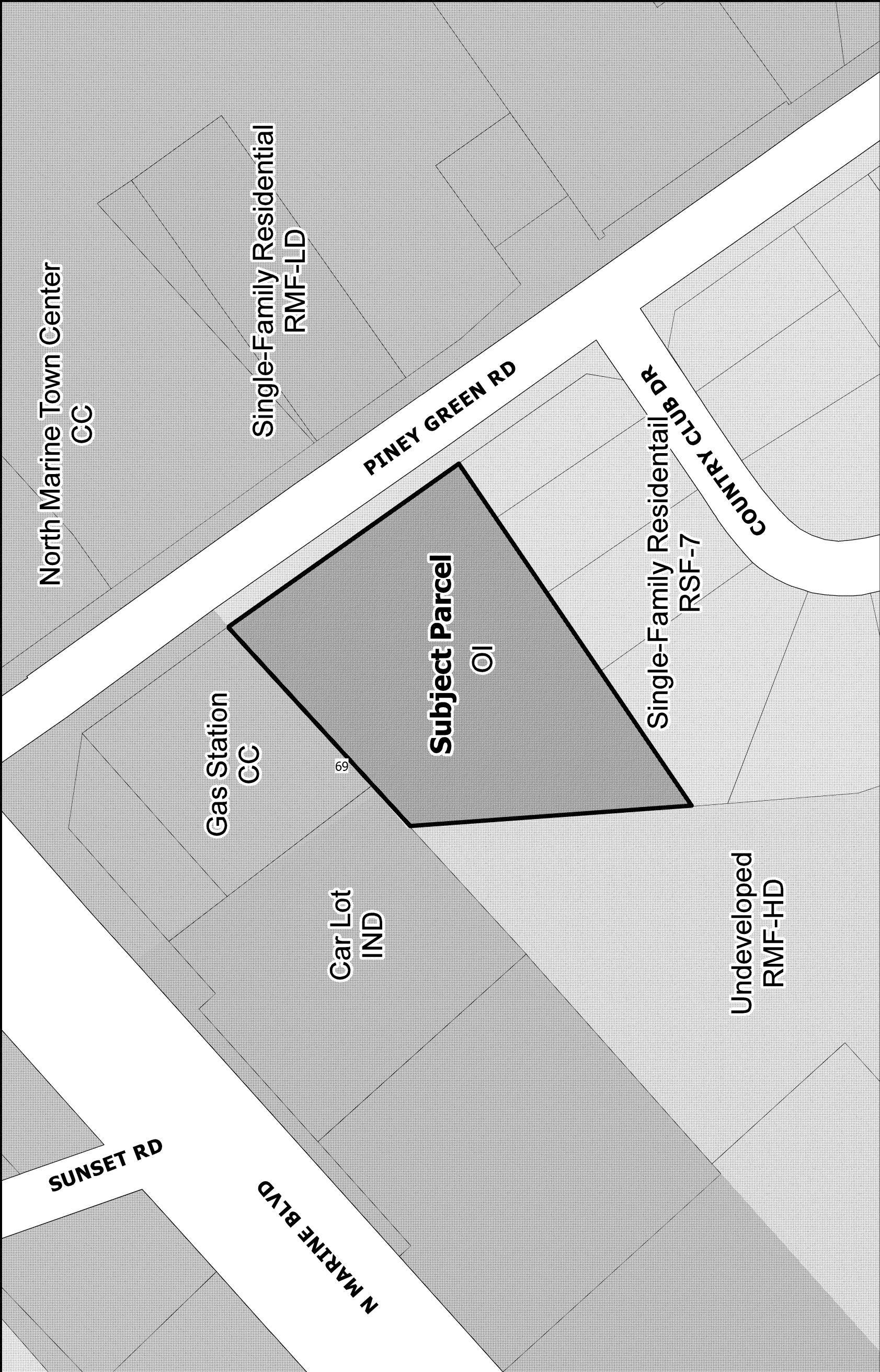
1 inch = 110 feet



Attachment

G

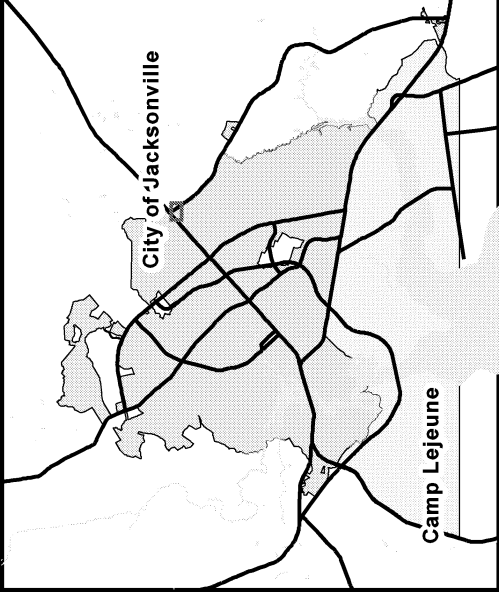
140 Piney Green Road



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1 inch = 110 feet



Attachment

H



Request for City Council Action

Agenda Item:	6
Date:	1/19/2016

Subject: Public Hearing – Annexation of Lands Owned by the Municipality – Land Donated to City of Jacksonville by Ken Whichard– 2.43-Acres
Department: City Manager's Office
Presented by: Ron Massey, Deputy City Manager
Presentation: Yes

Issue Statement

This is a voluntary annexation process for City owned property that is contiguous to the City limits. The property is two tracts (recently combined) totaling 2.43-acres located at the corner of Western Boulevard and Gateway North adjacent to the City's property at the Commons. Council accepted the donation of these tracts from Ken Whichard at the September 8, 2015 Council meeting with no conditions or obligations associated with the donation. The property is currently located in the extra territorial jurisdiction.

Financial Impact

There are no development plans for the property at this time; therefore, there is no financial impact associated with this annexation.

Action Needed

- Conduct Public Hearing
- Consider Annexation Ordinance

Recommendation

Staff recommends that Council adopt the Annexation Ordinance as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Ordinance
- B Location Map



Staff Report

Agenda Item:	6
-------------------------	----------

Public Hearing – Voluntary Annexation Municipal Property – 2.43 acres Donated Property

Introduction

The area proposed for annexation is located within the City's Extended Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

The property was accepted for donation by the City Council on September 8, 2015 with no restrictions on the use of the property.

Procedural History

- September 8, 2015 – Council approved acceptance of the donated property.
- January 5, 2016 – Council adopted a Resolution of Intent to annex the property and to schedule a Public Hearing for the January 19, 2016 meeting.
- January 19, 2016 – Council will conduct a Public Hearing on this date to consider the Annexation Ordinance.
- January 19, 2016 – If approved, proposed effective date of Annexation Ordinance.

Stakeholders

- City of Jacksonville
- City Residents

Options

Adopt the Annexation Ordinance: **RECOMMENDED.**

- Pros: The site is contiguous to the current corporate limits and is owned by the City. The annexation of 2.43 acres increases the size of the total corporate limits, which in turn increases the total allowable area within our 10% limitation on satellite annexations. In addition, annexation of this specific property will create a larger footprint for potential development of the City's land in the Commons.
- Cons: None

Deny the Annexation Ordinance – This action would conflict with past actions associated with contiguous property proposed for development.

- Pros – None
- Cons: This action would conflict with past actions associated with annexation of contiguous property owned by the City.

Defer Consideration of the Annexation Petition – Should Council desire additional information related to this annexation, they may defer the request and provide direction to staff on the specific information Council would like to receive.

ORDINANCE (2016-)

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF JACKSONVILLE, NORTH CAROLINA**

**CITY OF JACKSONVILLE PROPERTY
DONATED PROPERTY (WHICHARD) WESTERN BLVD AND GATEWAY NORTH
2. 43 ACRES**

WHEREAS, the City Council of the City of Jacksonville has adopted a Resolution under G.S. 160A-31, as amended, stating its intent to annex the area described herein; and

WHEREAS, a public hearing on the question of this annexation was held at the Jacksonville City Hall at 7 o'clock, P.M. on the 19th day of January 2016, after due notice of publication on the 9th day of January, and

WHEREAS, the City Council of the City of Jacksonville finds that the proposed annexation meets the requirements of G. S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that:

Section 1. By virtue of the authority granted by G. S. 160A-31, as amended, the following described contiguous property owned by the City of Jacksonville is hereby annexed and made part of the City of Jacksonville as of the 19th day of January 2016.

BEGINNING at a point located where the Northeastern right of way of N.C. Highway 53 (formerly NCSR 1470 – commonly known as Western Boulevard – 200 foot right of way) intersects the Northwestern right of way of Gateway North (60 foot right of way); thence from the described beginning and running along the said Northeastern right of way of N.C. Highway 53 North 38 degrees 57 minutes 41 seconds West 440.82 feet to a point; thence leaving the said right of way and running North 51 degrees 02 minutes 19 seconds East 240.00 feet to a point; thence South 38 degrees 57 minutes 41 seconds East 440.87 feet to a point located along the aforementioned Northwestern right of way of Gateway North; thence along the said right of way South 51 degrees 02 minutes 58 degrees West 240.00 feet to the point an place of beginning. Containing 2.43 acres/105,803.38 square feet and being a point of the property described in Deed Book 858 Page 138 and a portion of Deed Book 1114 Page 268 of the Onslow County Registry.

Section 2. The Mayor of the City of Jacksonville shall cause to be recorded in the Office of the Register of Deeds of Onslow County, and in the Office of the Secretary of State, Raleigh, North Carolina, an accurate map of the annexed property, along with a certified copy of this Ordinance. Such a map shall also be delivered to the Onslow County Board of Elections, as required b G. S. 163-288.1.

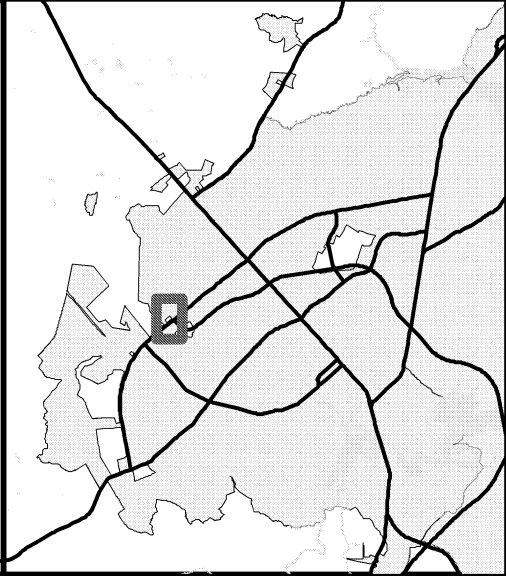
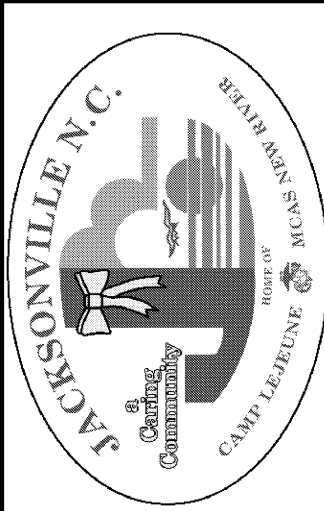
Adopted by the City Council of the City of Jacksonville in regular session this 19th day of January, 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Annexation Of Lands By Municipality, Land Donated By KenWhichard

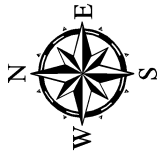


Legend

- Parcels
- Annexation Site
- City Limits



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1 inch = 200 feet



Request for City Council Action

Agenda Item:	7
Date:	1/19/2016

Subject: Public Hearing (*Legislative*) Unified Development Ordinance Text Amendment – Article 2: Administration, Section 2.3 N: Development Agreement

Department: Development Services

Presented by: Ryan King, Planning & Permitting Administrator

Public Hearing: Yes

Issue Statement

Staff has initiated a Unified Development Ordinance (UDO) text amendment that would adjust Section 2.3 pertaining to Development Agreements. These changes are required as result of recent changes made to the North Carolina General Statutes (160A-400.23). Staff also used this opportunity to review and revise Section 2.3 N Development Agreement.

Financial Impact

None

Action Needed

Conduct Public Hearing
Consideration of the Zoning Text Amendment

Recommendation

Planning Advisory Board and City Staff recommend approval of the Unified Development Ordinance (UDO) Text Amendment found in Attachment A.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Proposed Zoning Text Amendment Ordinance



Staff Report

Agenda Item:	7
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Public Hearing (*Legislative*) Unified Development Ordinance Text Amendment – Article 2:
Administration, Section 2.3 N: Development Agreement

Introduction

Staff has initiated a Unified Development Ordinance (UDO) text amendment that would adjust Section 2.3 pertaining to Development Agreements. These changes are required as result of recent changes made to the North Carolina General Statutes (160A-400.23). Staff also used this opportunity to review and revise Section 2.3 N Development Agreement.

This proposed text amendment would: 1) Eliminate the minimum acreage for a site eligible for a development agreement; 2) Eliminate the specific value of the development; 3) Require modifications to be shared with the Mayor and City Council; 4) Eliminate the approval of debt; and 5) Eliminate the assumption of jurisdiction over development agreements.

Procedural History

- October 1, 2015: Session Law 2015-246 House Bill 44 became law. This Bill included specific language associated with Development Agreements.
- On December 14, 2015: The Planning Board recommended approval of the UDO text amendment.
- On January 19, 2016: City Council will conduct a public hearing and consider this request.

Public Hearing Notification Assessment

"Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing." Notifications in accordance with North Carolina General Statutes have been followed.

Options:

- 1) Approve the zoning text amendment found in Attachment A. **(Recommended)**
 - Pros: Would eliminate conflicts between the UDO and North Carolina General Statutes.
 - Cons: None
- 2) Defer action on the zoning text amendment.
 - Pros: None
 - Cons: The City's UDO would remain in conflict with North Carolina General Statutes.
- 3) Deny the zoning text amendment
 - Pros: None
 - Cons: The City's UDO would remain in conflict with North Carolina General Statutes.



Draft Planning Board Minutes – December 14, 2015

Agenda Item:	7
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Public Hearing (*Legislative*) Unified Development Ordinance Text Amendment – Article 2:
Administration, Section 2.3 N: Development Agreement

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This proposed text amendment would: 1) Eliminate the minimum acreage for a site eligible for a development agreement; 2) Eliminate the specific value of the development; 3) Require modifications to be shared with the Mayor and City Council; 4) Eliminate the approval of debt; and 5) Eliminate the assumption of jurisdiction over development agreements.

Staff advises the Planning Board move to recommend approval of the zoning text amendment found in Attachment A.

Thomasine Moore moved to approve the zoning text amendment found in Attachment A. Albert Burgess seconded the motion.

The motion to approve the zoning text amendment found in Attachment A was unanimously approved by the Board Members present.

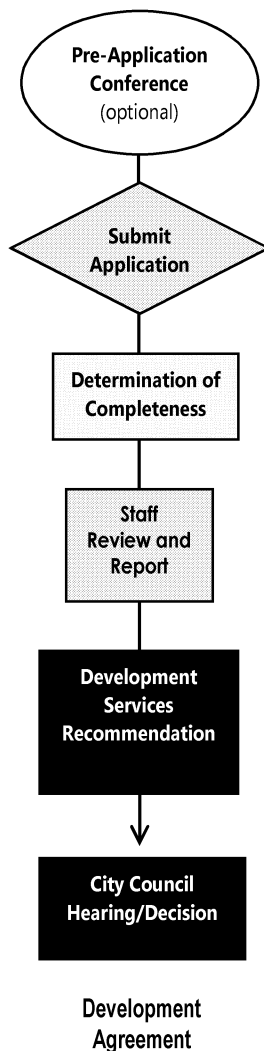
ORDINANCE (# 2016-)

AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Jacksonville City Council that Article 2: Administration, Section 2.3 N: Development Agreement be amended. Underlining indicates a proposed addition to the text. ~~Strikethrough~~ indicates the deletion of existing text.

Section 2.3 Standards and Requirements for Development Applications

A. Development Agreement



1. Purpose

The purpose of this section is to establish standards and procedures for the City entering into Development Agreements ~~for long-term, large-scale developments,~~ in recognition of the following findings and statements of intent:

(a) ~~Large-Scale Development Projects and Long-Term Commitment of Resources~~

~~Large-scale Development~~ projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.

(b) Potential Community Impacts

~~Such large-scale~~ Developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.

(c) Careful Integration between Public Capital Facilities Planning, Financing, Schedules

~~Because of their scale and duration,~~ such large-scale Projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development.

(d) Stable Development Standards

~~Because of their scale and duration,~~ such large-scale Projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.

Attachment

A

(e) **Nontraditional Development Types**

~~Because of their size and duration, such~~ Developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on the surrounding areas.

(f) **Negotiating Flexibility**

To better structure and manage development approvals for ~~such large-scale~~ developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating ~~such~~ some developments while establishing a process to address cooperation and flexibility.

(g) **Plan Consistency**

In negotiating for such developments, it is the intent of the City to remain consistent with the adopted plans, policies, and goals of the City as they relate to land use and capital improvements

2. **Authority**

The City may enter into a Development Agreement with a developer, subject to the requirements of this section. In entering into such an agreement, the City may not exercise any authority or make any commitment not authorized by general or local act, and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the Development Agreement.

3. **Relationship to Other Development Approvals**

Although an application for a Development Agreement generally is submitted and reviewed before, or in conjunction with, the first development approval required for the proposed development (e.g., Planned Development), such an application may be submitted and decided at any stage of the development. If the application is submitted after development approvals have been granted, either the Development Agreement should incorporate the terms and conditions of those prior approvals, or any approval of the Development Agreement shall be contingent upon any amendments to those prior approvals necessary to ensure conformance between the Development Agreement and applicable development approvals.

4. **Initiation**

An application for a Development Agreement may be initiated by any person who may submit applications in accordance with Section 2.2.A, *Authority to File Applications*.

5. **Procedure**

(a) ***Basic Procedures***

Except as modified by Sections 2.3.N.5(b-e) below, procedures and requirements for the submission, determination of completeness, review, recommendation, hearing, and decision on applications are as established in Section 2.2, *Common Review Procedures*.

(b) **Application Contents**

- (1) An application for a Development Agreement shall include a proposed Development Agreement that shall, at a minimum, include all of the following:
 - i. A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
 - ii. The duration of the agreement.
 - iii. A development schedule, including commencement dates and interim completion dates at no greater than five-year intervals.
 - iv. The development uses permitted on the property, including densities, building types, intensities, placement on the site, and design.
 - v. A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
 - vi. If the Development Agreement provides that the City shall provide certain public facilities, the Development Agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).
 - vii. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.
 - viii. A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit,

condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.

- ix. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens.
- x. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- xi. An indemnification and "hold harmless" clause whereby the developer/property owner holds the City and its agents harmless from liability for damages, injury, or death that may arise from the direct or indirect operations of the owner, developers, contractors, and subcontractors that relate to the project.

(2) **The proposed Development Agreement may include the following:**

- i. A provision that the entire development or any phase of it be commenced or completed within a specified period of time.
- ii. Other defined performance standards to be met by the developer.
- iii. Other matters not inconsistent with law.

(3) The application shall include a master plan that depicts the general configuration and relationship of the principal elements of the proposed development, including major uses, general building types, pedestrian and vehicular circulation, open space, public facilities, and phasing.

(c) **Review and Report by Development Services Director**

As part of the staff review of the application, the Development Services Director may negotiate revisions to the proposed Development Agreement consistent with the provisions of Section 2.3.N.6, *Development Agreement Standards*.

(d) **Review and Action by City Council**

Following staff review, the City Council shall conduct a standard public hearing on the application in accordance with Section 2.2.L, *Public Notification*, and Section 2.2.M, *Public Hearing Procedures*. After close of the hearing, the City Council shall consider the application, relevant support materials, the staff report, and any comments given by the public. As part of its

review of the application, the City Council may suggest revisions to the proposed Development Agreement, consistent with the provisions of 2.3.N.6, *Development Agreement Standards*. The City Council, by a majority vote of a quorum present, shall take one of the following actions based on the standards in Section 2.3.N.6, *Development Agreement Standards*:

- (1) Enter into the Development Agreement as submitted;
- (2) Enter into the Development Agreement subject to modifications agreed to by the applicant, in writing;
- (3) Not enter into the Development Agreement; or
- (4) Remand of the application back to the Development Services Director for further consideration.

(e) **Recordation**

Within 14 days after entering into a development agreement, the City shall record the agreement with the Onslow County Register of Deeds.

6. **Development Agreement Standards**

For consideration of the City to participate in a Development Agreement, a development subject to the agreement must meet the following criteria:

(a) **Scale of Development**

The property subject to the Development Agreement shall contain ~~25 acres or more~~ of developable property (exclusive of wetlands, mandatory buffers, unbuildable slopes, FEMA designated floodplain, and other portions of the property that may be precluded from the property at the time of application) sufficient in size to accomplish the desired development.

(b) **Phasing and Duration of Development**

The development shall may demonstrate phasing, and participation in the proposed agreement shall not exceed 20 years.

(c) **Social and Capital Value of Development**

~~The estimated appraised value of the development (including all real property) at build out shall equal or exceed \$10,000,000.00, or shall provide a demonstrated value to significantly enhance opportunities for very low income or special populations, protect natural resources, or preserve critical viewsheds within the City's planning jurisdiction. The development shall result in a positive tax flow for the City within 5 years of the completion of the development.~~

(d) **Impact on Capital Improvements**

The development shall demonstrate the impact on existing and future provisions of capital improvements by the City including the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.

7. **Effect of Development Agreement**

(a) **Burdens and Benefits**

The burdens of the Development Agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

(b) **Rights and Obligations**

Rights and obligations established by a Development Agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans or other provisions of law.

(c) **~~Building and Housing~~ City and State Codes**

A Development Agreement shall not exempt the property owner or developer from compliance with ~~the State Building Code and/or the City's Minimum Housing codes~~.

(d) **Application of Subsequently Enacted Laws**

Unless the Development Agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a Development Agreement are those in force at the time of execution of the agreement.

(e) **Application of Subsequently Adopted Ordinances and Policies**

The City may not apply subsequently adopted ordinances or development policies to a development that is subject to a Development Agreement except for grounds specified in Section 160A-385.1(e) of the North Carolina General Statutes as exceptions to vested rights established for site-specific development plans.

(f) **Change in State or Federal Law**

If state or federal law is changed after a Development Agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the Development Agreement, the City, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the Development Agreement.

8. **Vested Rights**

This ordinance does not abrogate any rights preserved by Sections 160A-385 or 160A-385.1 of the North Carolina General Statutes, or that may vest pursuant to common law or otherwise in the absence of a Development Agreement.

9. ~~Approval of Debt~~

~~If any of the obligations of the City in the Development Agreement constitute debt, the City shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the City, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the City Attorney, Finance Director, and City Manager.~~

10. **Periodic Review and Breach of Agreement**

(a) **Annual Review**

During any period of the time in which a development permit is active, the City shall review the development at least once every 12 months for compliance with the agreement. The developer must be required to demonstrate good faith compliance with the terms of the Development Agreement. The failure to meet a commencement or completion date specified in the Development Agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.

(b) **Material Breach**

If the City finds and determines that the developer has committed a material breach of the terms or conditions of the Development Agreement, the City shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and shall provide the developer a reasonable time in which to cure the material breach.

(c) **Failure to Cure Material Breach**

If the developer fails to cure the material breach within the time given, then the City unilaterally may terminate or modify the Development Agreement.

(d) **Appeal**

The notice of termination or modification may be appealed to the Board of Adjustment for review and decision in accordance with Section 2.3.L, *Appeal*.

11. **Amendments to Development Agreement**

(a) **Mutual Consent**

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

(b) **Major Modification**

Consideration of a proposed major modification of a development agreement shall follow the same procedures as required for initial approval of the agreement.

(c) **Minor Modification**

The City Manager may approve minor modifications of the development agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this ordinance, and would not adversely affect the public health, safety, or general welfare. Notification to the Mayor and City Council is required at the time of such action by the City Manager.

~~12. **Assumption of Jurisdiction over Development Agreements**~~

~~(a) **City Assumes Planning Jurisdiction**~~

~~If the City assumes planning jurisdiction over land subject to a development agreement established by another jurisdiction, such development agreement shall be valid for the duration of the agreement, or eight years from the effective date of the City's assumption of planning jurisdiction over the subject property, whichever is earlier.~~

~~(b) **Right and Obligations**~~

~~The parties to the development agreement and the City shall have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction.~~

~~(c) **Modification or Suspension**~~

~~The City may modify or suspend the provisions of the assumed development agreement if the City determines that the failure to do so would place the residents of the area subject to the development agreement, or the residents of the City's planning jurisdiction, or both, in a condition dangerous to their health or safety, or both.~~

BE IT FURTHER ORDAINED by the City Council of the City of Jacksonville that the Unified Development Ordinance may be appropriately reorganized and/or renumbered in the order to set the provisions of this text change in a logical and orderly fashion. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effective upon its adoption.

Adopted by the Jacksonville City Council in regular session on this 19th day of January, 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk



Request for City Council Action

Agenda Item:	8
Date:	1/19/2016

Subject: NCDOT Agreement – Carolina Forest Boulevard Resurfacing

Department: Public Services, Engineering

Presented by: Anthony Prinz, Transportation Services Administrator
Deanna Young, Capital Projects Administrator

Presentation: No

Issue Statement

Carolina Forest Boulevard is a vital component of the City's roadway system that is in need of maintenance. Recognizing this need, in 2015, Representative Shepherd was able to secure \$250,000 in State Contingency Funds to assist the City with funding necessary repairs.

Upon completion, the scope of work (Attachment A) will resurface a portion of the road where construction and commuter traffic has caused the greatest amount of disrepair. Where needed, curbing, sidewalk and storm water facilities will also be repaired/replaced.

NCDOT is responsible for administering Contingency Funds through municipal agreement (Attachment B). The City will be responsible for completing the repair work and any project costs greater than \$250,000.

Financial Impact

Reimbursement of \$250,000 by NCDOT will occur upon completion of the project. Additional project funds will come from Powell Bill fund reserves.

Action Needed

Consideration of the NCDOT Agreement and Budget and CIP Amendments.

Recommendation

Staff recommends that Council approve the Agreement and Budget and CIP Amendments as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Repair Project Budget
- B NCDOT Agreement (Not available at time agenda was published. Will be provided prior to the meeting.)
- C Budget Amendment
- D CIP Amendment

PRELIMINARY OPINION OF COST

PROJECT: Carolina Forest Boulevard Repairs and Pavement Overlays

BY: Engineering Division, Public Services Department

City of Jacksonville

815 New Bridge Street

Jacksonville, NC 28540

DATE: September 22, 2015



Item No.	Description of Items	Units	Est. Qty	Estimated Unit Price	Estimated Total Price
1	Mobilization @ 5 per cent maximum	1	LS	\$10,800.00	\$10,800.00
2	Milling Asphalt Pavement, 1" Depth	SY	3650	\$5.00	\$18,250.00
3	Hot Mix Asphalt Pavement, Type S 9.5B, Surface Course	Tons	1145	\$115.00	\$131,675.00
4	Hot Mix Asphalt Pavement Type B 25.0B, Base Course, Patching Existing Pavement prior to Resurfacing, (Mill-Patch Method), 4" Depth,	Tons	130	\$180.00	\$23,400.00
5	Demolition of Concrete Curb and Gutter	LF	150	\$5.00	\$750.00
6	Replacement of Concrete Curb and Gutter, City Standard-24"-Miscellaneous	LF	30	\$50.00	\$1,500.00
7	5" Monolithic Concrete Island	SY	300	\$65.00	\$19,500.00
8	Temporary Traffic Control	1	LS	\$20,000.00	\$20,000.00
				Construction Subtotal	\$225,875.00
				Construction Contingency @ 10 percent	\$22,600.00
				Geotechnical Investigation & Engineering @ 15 percent	\$33,900.00
				TOTAL ESTIMATED PROJECT	\$282,375.00

Note: The above is descriptive of a preliminary scope of work based upon field observations only. The final scope of work will depend on the results of the proposed geotechnical investigation.

Attachment

A

ORDINANCE 2016-XX

AN ORDINANCE AMENDING THE 2015/2016 CITY OF JACKSONVILLE
CAPITAL IMPROVEMENT PLAN (CIP) ADOPTED BY COUNCIL XXX

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Capital Improvement Plan (CIP) is hereby amended as follows:

1) Carolina Forest Boulevard Resurfacing – XXXXX :

The CIP is amended by Budget Ordinance #2016-XX to adjust the FY16 Capital Improvement Plan to add the Carolina Forest Boulevard Resurfacing budget in the FY16 Capital Improvement Plan. The project involves resurfacing a significant amount of Carolina Forest Boulevard where construction and commuter traffic have caused disrepair - approximately 1/3 of the total travel surface. Further, where needed, curbing, sidewalk and storm water facilities will also be repaired/replaced. The total project budget established will be \$283,000.

This ordinance shall be in full force and effective upon its adoption.

Adopted by the Jacksonville City Council in regular session on this 19th day of January 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

ORDINANCE (2016-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2016 Capital Project budgets are hereby enacted:

CAROLINA FOREST BLVD RESURFACING (GF1605)

REVENUES	BUDGET	CHANGE	TOTAL
NCDOT GRANT	-	250,000	250,000
TRANSFER IN FROM POWELL BILL	-	33,000	
		283,000	
TOTAL PROJECT REVENUES	-	283,000	283,000

EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	-	283,000	283,000
TOTAL ADJUSTMENTS		283,000	
TOTAL PROJECT EXPENDITURES	-	283,000	283,000

To appropriate revenue for Carolina Forest Blvd. Resurfacing expenditures .

STREET IMPROVEMENTS (GF9103)

EXPENDITURES	BUDGET	CHANGE	TOTAL
TRANSFER OUT TO CAPITAL PROJECT	4,318,191	33,000	4,351,191
PROJECT EXPENDITURES	-	(33,000)	(33,000)
TOTAL ADJUSTMENTS		-	
TOTAL PROJECT EXPENDITURES	24,465,804	-	24,465,804

To appropriate revenue for Carolina Forest Blvd. Resurfacing project expenditures.

This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 19th day of January, 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk



Request for City Council Action

Agenda Item:	9
Date:	1/19/2016

Subject: NCDOT Agreement for Landscaping Enhancements – Jacksonville Parkway and West Huff Drive

Department: Public Services, Engineering

Presented by: Anthony Prinz, Transportation Services Administrator
Deanna Young, Capital Projects Administrator

Presentation: No

Issue Statement

To promote Clean & Green, staff has been working with NCDOT to plan, design and fund landscaping enhancements for several high volume roadway corridors. This project involves installation of landscaping along the entire length of Jacksonville Parkway and West Huff Drive.

Landscaping improvements will be installed by the City through a contracted services agreement, with NCDOT reimbursing for costs not to exceed \$365,273.56 (Attachment A). The City will be responsible for long-term maintenance of landscaping enhancements.

Financial Impact

Reimbursement of \$365,273.56 by NCDOT upon completion of the project.

Action Needed

Consideration of the NCDOT Agreement, Budget Amendment and CIP Amendment.

Recommendation

Staff recommends that Council approve the NCDOT Agreement, Budget Amendment and CIP Amendment as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

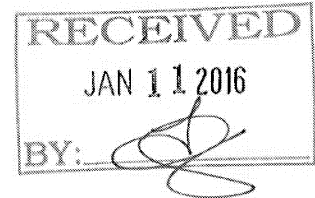
- A NCDOT Agreement
- B Budget Amendment
- C CIP Amendment



PAT McCrory
Governor

NICHOLAS J. TENNYSON
Secretary

January 8, 2015



City of Jacksonville
Attn: Tamara Matthews
PO Box 128
Jacksonville NC 28541

SUBJECT: Landscape Agreement WBS: 35008.2.FS9 & 35008.2.FS10

Dear Ms. Matthews:

Enclosed please find two (2) originals of a Landscape Agreement between the North Carolina Department of Transportation and the City of Jacksonville for landscaping areas according to plans developed by the City of Jacksonville and approved by NCDOT, on the Jacksonville Parkway and West Huff Drive.

You will need to remit two (2) original signed and sealed copies to Lloyd Royall, Jr. at the address below. We must be in receipt of these within 90 days or this agreement will be null and void.

Please note that any additions, deletions or changes to this agreement are not allowed and will render this agreement null and void.

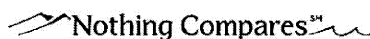
If you have any questions regarding this agreement, please do not hesitate to call me at 910-341-2000.

Sincerely,

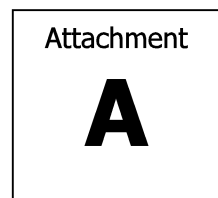
Lloyd G. Royall, Jr., PLS
Division Proposal Engineer

LGR/tm

attachment



State of North Carolina | Department of Transportation | Division of Highways
5501 Barbados Boulevard | Castle Hayne, NC 28429-5647
910-341-2000 T



NORTH CAROLINA
ONslow COUNTY

LANDSCAPE AGREEMENT

DATE: 12/18/2015

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Project: U-4007A & U-4007B

AND

WBS Elements: 35008.2.FS9 & 35008.2.FS10

CFDA: 20.205

CITY OF JACKSONVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Jacksonville, a municipal corporation, hereinafter referred to as the "Municipality."

WITNESSETH:

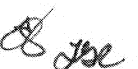
WHEREAS, Section 1113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA – LU), requires that the Surface Transportation Program funds be available for transportation enhancement activities in the Statewide Transportation Improvement Program; and,

WHEREAS, the Municipality has requested enhancement funding for certain landscape plantings in Onslow County; and,

WHEREAS, the Department has agreed to participate in the costs of said plantings, subject to conditions hereinafter set forth; and,

WHEREAS, the Department and the Municipality have also agreed to the maintenance of said plantings as hereinafter set out;

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:



GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

PERSON IN RESPONSIBLE CHARGE

If the Municipality is performing the work under this Agreement, then the Municipality shall designate a person, or persons, to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

The Municipality and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.



FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

SCOPE OF THE PROJECT

1. The Project consists of landscaping areas according to plans developed by the City of Jacksonville and approved by NCDOT, on the Jacksonville Parkway and West Huff Drive.

PLANNING AND DESIGN

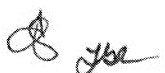
2. The Municipality shall develop the landscape design and prepare the landscape plans and specifications in accordance with the Department's standard landscaping policies and procedures for highways. The design and plans shall be submitted to the Department's Division Engineer for review and approval prior to any work being performed by the Municipality. The Department reserves the right to reject plant materials it deems to be excessive or not in reasonably close conformity with the materials used by the Department on its projects.

RIGHT OF WAY AND UTILITIES

3. The Municipality shall prepare the site and furnish and install the plantings in accordance with the approved project plans. All work shall be performed within the existing right of way and in accordance with Departmental standards, policies and procedures. In the event any additional right of way or construction easement is required for the plantings, the Municipality shall provide said additional right of way/or easement at no expense or liability whatsoever to the Department. Acquisition of all right of way and/or construction easements shall be in accordance with the Right of Way Acquisition Policy contained in the Federal-Aid Policy Guide, Part 712, Subpart B; and the North Carolina Department of Transportation Right of Way Manual. The Municipality shall be solely responsible for all damages and claims for damages associated with the acquisition of right of way.
4. The Municipality, at no expense to the Department, shall be responsible for the relocation and adjustment of all utilities in conflict with the landscape planting.

CONSTRUCTION

5. The Municipality shall install said plantings in accordance with the plans and specifications of said project as filed with, and approved by, the Department. The Municipality, and/or its agent, shall



let the contract and administer the project in accordance with Title 23 of the Code of Federal Regulations, Part 635; and North Carolina General Statute § 143-129; and the procedures set out herein below:

- A. The Department's Division Engineer shall have the right to inspect, sample or test, and approve or reject any materials or construction methods used during the construction of the project. Prior to the final acceptance and payment by the Department, the Division Engineer shall have the right to make a final inspection of the completed work.
- B. Any changes, revisions, or alterations to the landscaping shall require prior review and approval by the Department's Division Engineer prior to the work being initiated.
- C. All materials incorporated into the project and workmanship performed by the contractor shall be in reasonable close conformity with the Standards and Specifications of the Department.
- D. Upon completion of the project, and prior to final acceptance and payment by the Department, the Municipality will furnish to the Department's Division Engineer two (2) sets of "As Installed" landscape plans.
- E. Upon approval of the Division Engineer, the Municipality may proceed with said work prior to execution of this Agreement.
- F. The Municipality agrees to pursue the completion of the work covered by this Agreement as expeditiously as feasible and to complete all work within twelve (12) months of notice to proceed.
- G. The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Division Engineer as a result of any review or inspection made by said Division Engineer.
- H. The Municipality shall not retain any portion of a payment due the contractor.

CONSTRUCTION SUBCONTRACTOR GUIDELINES

- 6. Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 Part 26 of the Code of Federal Regulations and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference <https://connect.ncdot.gov/municipalities/Pages/Bid-Proposals-for-LGA.aspx>.

- A. The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- B. If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

FUNDING

- 7. Subject to compliance by the Municipality with the provisions set forth in this Agreement, and the availability of federal funds, the Department shall participate in the actual costs of the project not to exceed \$365,273.96. Costs which exceed this amount shall be borne by the Municipality.

- A. The Municipality may bill the Department for costs as herein stated by submitting an invoice, in quadruplicate, to the Department's Division Engineer. Reimbursement to the Municipality shall be made for work invoiced and approved by the Division Engineer and the Department's Financial Management Division.

Along with each invoice, the Municipality is responsible for submitting the FFATA Recipient Information Form, which is available at

<https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

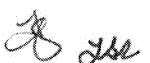
- B. Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than contract awarded by competitive bidding process. Written approval from the Division Engineer is required prior to the use of force account by the Municipality. Said invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 (http://www.whitehouse.gov/omb/circulars_default). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.
- C. In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (http://www.whitehouse.gov/omb/circulars_default), dated June 27, 2003, the Federal Single Audit Act Amendments of 1996, and NCGS § 159-34, the Municipality shall arrange for an independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the independent

audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality fiscal year ends.

- D. The Municipality shall adhere to applicable administrative requirements of Title 49 Code of Federal Regulations, Part 18 (www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm) and Office of Management and Budget (OMB) Circulars A-102 (www.whitehouse.gov/omb/circulars/index.html) "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm and by Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/index.html) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

MAINTENANCE

8. Upon completion of the plantings, the Municipality shall assume responsibility for all maintenance and replacement of the landscape materials. Maintenance shall include, but not be limited to, the following: watering, mulching, pruning, fertilizing, weeding, pest control, mowing, and replacing plant materials. All costs of maintenance shall be borne by the Municipality.
- A. The Municipality agrees to continually maintain all plantings in accordance with generally accepted horticultural practices. The Department shall have the right to periodically inspect the maintenance practices being utilized by the Municipality.
- B. If the Department determines that the Municipality is not properly maintaining the plantings, the Department shall notify the Municipality. If proper maintenance is not performed by the Municipality within a reasonable time after notification, the Municipality agrees that the Department shall perform the necessary maintenance, or at the Department's option, shall return the planted area to a natural condition (i.e. seeded and mulched, etc.). It is further agreed that the costs of the restoration shall be reimbursed to the Department by the Municipality. Reimbursement to the Department shall be made in one final payment within



sixty (60) days of invoicing by the Department. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with N.C.G.S. § 147-86.23.

9. In the event these plantings require relocation or removal for highway construction, re-construction, maintenance or safety, the Municipality shall be given the option to remove or relocate any plantings it considers salvageable immediately upon notification by the Department, at no expense to the Department.
10. The Department shall not be responsible for any damage to the plantings that may be done by third parties.

TRAFFIC

11. The Municipality, at no expense to the Department, shall provide traffic control during landscape installation and maintenance procedures as required by the latest revision of the "Manual for Uniform Traffic Control Devices."

ADDITIONAL PROVISIONS

14. The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
15. It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.
15. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this agreement, for inspection and audit by the Department's Financial Management Division.
16. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
17. The Municipality shall certify to the Department compliance with all applicable Federal and State laws and regulations and ordinances and shall indemnify the Department against any fines,

Handwritten signatures in black ink, appearing to be initials or names, located in the bottom right corner of the page.

assessments or other penalties resulting from noncompliance by any entity performing work under contract with the Municipality.

18. The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department shall not be held liable by the Municipality for any expenses or obligations incurred for the Project except those specifically eligible for the federal funds and obligations as approved by the Department under the terms of this Agreement. The Department shall not reimburse the Municipality any costs that exceed the total federal funding at any time.
19. The Municipality will indemnify and hold harmless the Department, FHWA, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability in connection with the project activities performed pursuant to this Agreement including construction of the Project. The Department shall not be responsible for any damages or claims for damages, which may be initiated by third parties.
20. All terms and conditions of this Agreement are dependent upon and subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.
21. Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, or if the cost of work done by the Department exceed the funding award, the Department will bill the Municipality.
22. If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.
23. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF JACKSONVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: Richard L. Woodruff, City Manager

DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the local governing body of the City of Jacksonville

as attested to by the signature of Clerk _____ of said governing body on

_____ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

56-6000232

Remittance Address:

City of Jacksonville

PO Box 128

Jacksonville, NC 28541

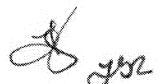
DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)



ORDINANCE 2016-XX

AN ORDINANCE AMENDING THE 2015/2016 CITY OF JACKSONVILLE
CAPITAL IMPROVEMENT PLAN (CIP) ADOPTED BY COUNCIL XXX

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Capital Improvement Plan (CIP) is hereby amended as follows:

1) Jacksonville Parkway and West Huff Dr Landscaping – XXXXX :

The CIP is amended by Budget Ordinance #2016-XX to adjust the FY16 Capital Improvement Plan to add the Jacksonville Parkway and West Huff Dr Landscaping budget in the FY16 Capital Improvement Plan. The project involves installation of landscaping elements along Jacksonville Parkway and along West Huff Drive. The total project budget established will be \$365,273.56.

This ordinance shall be in full force and effective upon its adoption.

Adopted by the Jacksonville City Council in regular session on this 19th day of January 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

ORDINANCE (2016-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2016 Capital Project budget is hereby enacted:

JACKSONVILLE PKWY/WEST HUFF LANDSCAPING (GF1606)

REVENUES	BUDGET	CHANGE	TOTAL
NCDOT GRANT	-	366,000	366,000
TOTAL ADJUSTMENTS		366,000	
TOTAL PROJECT REVENUES	-	366,000	366,000
EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	-	366,000	366,000
TOTAL ADJUSTMENTS		366,000	
TOTAL PROJECT EXPENDITURES	-	366,000	366,000

To appropriate revenue for Jacksonville Pkwy/West Huff Landscaping expenditures.

This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 19th day of January, 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk